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Sup

SESSION LAWS

OF THE

NINETEENTH

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF ARIZONA.

SESSION BEGUN ON THE EIGHTEENTH DAY
OF JANUARY, A. D. 1897.

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ACTS.

No. 1.

AN ACT

Directing and authorizing the transfer of money from the "School District Number One Interest Fund" of the County of Pinal to the school fund of said County of Pinal.

Whereas, School District Number One in the County of Pinal, heretofore incurred a bonded indebtedness which said bonded indebtedness has long since been funded under the provisions of law, and whereas, there has accumulated since the funding of said bonds, in the "School District Number One Interest Fund" in the treasury of the said County, moneys amounting to the sum of seven hundred and forty-five dollars and ninety-eight cents from taxes levied prior to the funding of the said bonds and collected since said time, which said money is not available for any purpose and is not otherwise appropriated by law, now therefore,

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That the Board of Supervisors, of the County of Pinal, are hereby authorized to make an order, directed to the Treasurer of the said County of Pinal, to transfer said sum of seven hundred and forty-five dollars and ninety-eight cents [\$745.98], and any other amounts that may hereafter come into said fund from delinquent taxes, from the "School District Number One Interest Fund" to the School Fund of the County of Pinal, which said order shall be the authority of the County Treasurer, of said County, to make such transfer, which said transfer shall thereupon be made.

SEC. 2. This Act shall take effect and be in force from and after its passage and approval.

FRED G. HUGHES,
President.

D. G. CHALMERS,
Speaker of the House.

FRANK BAXTER,
Chief Clerk.

January 25th, 1897. Approved.

B. J. FRANKLIN,
Governor.

No. 2.

AN ACT

Authorizing Railroad Companies to construct and extend their lines of railroad into or through other Territories or States, and to purchase or lease other railroads, and to sell and lease railroads.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That any railroad company now or hereafter existing under the laws of this Territory may construct and extend its line of railroad into or through any other Territory or State, upon such terms and regulations as may be prescribed by the laws of such Territory or State, and any such railroad company may purchase or lease the railroad constructed or to be constructed, and other property of any railroad company now or hereafter existing under the laws of this Territory or any other Territory or State, with all the rights, privileges and franchises thereto appertaining, or may buy the stock and bonds, or either, of any such company, and any railroad company now or hereafter existing under the laws of this Territory, may, with the consent of the holders of two-thirds of its entire capital stock, given by a vote at a meeting, or in writing without a meeting, sell or lease its railroad franchises and appurtenances to any railroad corporation organized under the laws of this Territory, or of any other Territory or State; provided, however, that no purchase or lease under this Act shall be entered into unless the line of railroad so purchased or leased, or the railroad of the company whose stock shall be purchased, shall, when constructed, form a branch of, or a continuous line with the railroad of such purchasing company, either by direct connection therewith, or through an intermediate line or lines, constructed or to be constructed, which such first mentioned railroad company shall own, lease or have the right by contract or otherwise, to use or operate. Provided that upon the purchase of any railroad under the provisions of this Act, the corporation purchasing the same shall assume all the debts, liabilities and obligations existing at the time of purchase against the railroad so purchased.

SEC. 2. This Act shall take effect and be in force from and after the date of its passage.

FRED G. HUGHES,
President

D. G. CHALMERS,
Speaker.

Approved this 8th day of February, 1897.

B. J. FRANKLIN,
Governor of Arizona.

No. 3.

AN ACT

To Authorize the formation of a Corporation for the purpose of purchasing the Railroad Works and property of any Railroad Corporation, sold or to be sold, in the Territory of Arizona, by virtue of any mortgage or deed of trust, or pursuant to the judgment or decree of any Court of competent jurisdiction, or by virtue of any execution upon such judgment.

Be it Enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. Whenever the railroad or works and property of any railroad corporation, created by or under any law of the United States, or of the Territory of Arizona, or the part of the railroad or works of any such corporation, situated in said Territory of Arizona, shall be sold by virtue of a mortgage or deed of trust, or pursuant to the judgment or decree of any court in the United States of competent jurisdiction, or by virtue of any execution issued thereon, the purchasers at any such sale may acquire the property sold, together with any other property, and any franchises, rights, privileges and immunities of such corporation in this Territory or elsewhere.

Such purchasers may associate with themselves any number of persons, and with their associates may become a corporation, with power to own, operate, exercise and enjoy the properties, franchises, rights and immunities acquired by such purchasers, upon making, acknowledging and filing in the office of the Secretary of the Territory of Arizona, a certificate in which they shall describe by name and by reference to the charter or law under which it was organized, the corporation whose property or part of whose property they have acquired, and the court or courts by whose authority the sale was made, with the date of the judgment or decrees authorizing or directing the same, and a brief description of the property sold, and also the following particulars:

SEC. 2. The name of the new corporation intended to be formed by the filing of such certificates.

SEC. 3. The maximum amount of its capital stock and the number of shares into which it is to be divided, and specifying the classes thereof, whether common or preferred, and the amount of and rights pertaining to each class.

SEC. 4. The number of directors, not less than three nor more than fifteen, who shall manage the affairs of the new corporation, and the names and postoffice addresses of the directors for the first year.

SEC. 5. Any plan or agreement which may have been en-

tered into at or previous to the time of sale, in anticipation of the formation of the new corporation, and pursuant to which such purchase was made.

SEC. 6. Such new corporation shall thereupon be vested with, and shall be entitled to exercise and enjoy all the rights, privileges, franchises, immunities and powers which belong to or could be exercised by the corporation whose property, or part of whose property, was acquired by such purchasers as aforesaid, and may acquire, own, operate and enjoy all or any part of the property and works of such corporation in the Territory of Arizona or elsewhere, and may conduct its business generally under and in the manner provided in the charter of such last mentioned corporation, or under the laws relating thereto, with such variations in manner and form of organization as such purchasers and their associates may deem necessary and set forth in such certificate.

SEC. 7. That such corporation shall be entitled to possess and enjoy any and all rights, privileges, franchises, immunities and powers which are now given or may be hereafter given to any railroad company organized under the general laws of this Territory, and the same being applicable thereto; and that such new corporation, when organized to purchase property of any railroad company, sold as aforesaid, may lease and purchase the railroad and other property of any railroad company organized under the laws of the United States, or of any other State or Territory thereof, and thereafter operate and maintain the same, and shall have power to lease and sell its property, privileges, immunities and franchises to any railroad company or corporation.

SEC. 8. Nothing in this Act contained, shall be deemed or construed to give to any corporation created under it, any exemption from taxation created by any existing or future exemption laws of the Territory of Arizona.

SEC. 9. This Act shall take effect and be in force from and after its passage.

FRED G. HUGHES,
President.

D. G. CHALMERS,
Speaker.

Approved this 8th day of February, 1897.

B. J. FRANKLIN,
Governor of Arizona.

No. 4. AN ACT

To amend Act No. 21 of the laws of the Eighteenth Legislative Assembly.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That Sub-division 4, of Section 1, of Act No. 21 of the Session Laws of 1895 be, and the same is hereby amended to read as follows:

That all school moneys remaining on hand at the end of the school year, to the credit of any district, or in the Reserve Fund, after making the apportionment as heretofore required, shall remain to the credit of such district for the ensuing year or years.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

D. G. CHALMERS,
Speaker.

FRED G. HUGHES,
President.

Approved this 10th day of February, 1897.

B. J. FRANKLIN,
Governor.

No. 5. AN ACT

Concerning Secret and Benevolent Societies and Associations.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. The members of any Grand Lodge or division, or of any subordinate lodge or division, acting under the authority of any Grand Lodge or division of Free Masons, Odd Fellows, Knights of Pythias, Workmen, or of any other society constituted in a manner generally similar to either of the foregoing (whether acting under the jurisdiction of a Grand Lodge or division or not), may assemble at their usual place of meeting, and in pursuance of the rules of their society, elect not less than three nor more than nine of their number trustees to take care of the property, real and personal, belonging thereto, and transact all the business relative to the investment and disposal thereof.

SEC. 2. Such trustees may have a common seal and alt

the same at pleasure, and for all purposes for which they are authorized to act shall be deemed a corporation, and in pursuance of the rules and regulations of such society, and in conformity with the rules and regulations of the Grand Lodge, division or society from which they derive their charter, may take possession of, manage, control, purchase, lease, receive, recover, hold, sell, convey, mortgage, devise and improve all the property thereof, or necessary therefor, real and personal, including all burial places belonging thereto, erect and keep in repair all buildings necessary therefor, and may sue and be sued in all matters pertaining to such property, and the debts, claims, demands and liabilities thereof, and the name in which they shall sue or be sued shall be, "The Trustees of———" (name of the Grand Lodge, lodge, division or society of which they are trustees.)

SEC. 3. All the real and personal property that shall have been conveyed by devise, gift, grant, purchase or otherwise to any such society, or to any person as trustee for the use thereof, shall vest in such trustees and their successors in office, as fully as if originally conveyed to them, and shall be held by them and by their successors; in trust for such society in the manner aforesaid.

SEC. 4. Such trustees shall be elected annually at such time and place and in such manner as shall be prescribed by the rules or by-laws of such society, and they shall severally hold their offices for one year and until their successors are elected; but any such society at the first or any subsequent election may classify such trustees so that the term of office of one-third of them shall expire each year, and when so classified the term of office of the trustees thereafter elected shall be three years and until their successors are elected. Any such trustee may be removed in accordance with the rules or by-laws of such society and all vacancies may be filled for the residue of the term. Any two of such trustees may call a meeting thereof, and a majority of them being convened, may transact any business authorized to be done by them.

SEC. 5. All trustees of any such society in office at the time these statutes take effect shall hold their offices for the terms for which they were elected, with the powers and privileges conferred upon them by law at the time of their election, or by this chapter.

SEC. 6. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 7. This Act shall take effect and be in force from and after its passage and approval.

FRED G. HUGHES,
President.

D. G. CHALMERS,
Speaker.

Approved this 15th day of February, A. D. 1897.

B. J. FRANKLIN,
Governor.

No. 6.

AN ACT

To Codify and Revise the Laws with Reference to Live Stock.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

CHAIRMAN, RECORD, PAY, MILEAGE.

SECTION 1. Three Commissioners identified with the live stock interests of the Territory of Arizona shall be appointed by the Governor, with the advice and consent of the Legislative Council, who shall constitute the Live Stock Sanitary Board of the Territory of Arizona.

Before entering upon the duties of his office, each Commissioner shall take and subscribe the oath of office according to law, and file the same with the Secretary of the Territory; and each Commissioner before entering upon the performance of his duties shall execute a bond, to be approved by the Governor, in the sum of Two Thousand Dollars, conditioned that he will faithfully perform the duties of his office, and file the same with the Secretary of the Territory. The term of office of the first Commissioner named by the Governor shall be for three years from the first day of April, 1897; the second one named shall be for two years, and the third one named shall be for one year from said first day of April, 1897, and the successors of each shall be appointed for the term of three years thereafter. The Governor shall have power to fill vacancies in said Board. Said Board shall elect one of their number Chairman. The Board shall keep a full and complete record of their proceedings, and make such report to the Governor as may from time to time be required, and a biennial report to the Legislative Assembly. The members of the Board appointed by the Governor as hereinbefore provided, shall receive Five (\$5.00) Dollars per day for the time by them necessarily employed in discharging the duties required by this Act; provided, however, that in no one year shall the Board be in session more than sixty days, except upon call of the Governor; and each member of the Board shall receive ten (10) cents for each and

every mile actually traveled, which per diem and mileage shall be paid on the warrant of the Auditor; to be issued on the filing in the Auditor's office of an itemized account therefor properly certified thereto by such member, duly countersigned by the Secretary, with the seal of the Board approval of its Chairman.

VETERINARY SURGEON.

SEC. 2. The Governor shall nominate, and by and with the advice and consent of the Legislative Council, appoint a skilled Veterinary Surgeon for the Territory of Arizona, who, at the date of such appointment, shall be a graduate in good standing of a recognized college of veterinary surgeons, and who shall hold his office for the term of two years, unless sooner removed by the Board; the salary of said Veterinary Surgeon shall be the sum of Twelve (\$1,200.00) Hundred Dollars per annum, and ten cents per mile for each mile actually and necessarily traveled in the discharge of his duties. Before entering upon the discharge of his duties, the Territorial Veterinarian shall take and subscribe an oath to faithfully perform the duties of his said office, and shall execute a bond to the Territory of Arizona in the sum of Five Thousand (\$5,000.00) Dollars, with good and sufficient sureties, conditioned for the faithful performance of the duties of his office, which bond and sureties thereto shall be approved by the Governor; and said bond together with his oath of office, shall be deposited in the office of the Secretary of the Territory.

DISEASED ANIMALS.

SEC. 3. It shall be the duty of any owner or person in charge of any domestic animal or animals, who discovers, suspects or has reason to believe that any of his domestic animals, or domestic animals in his charge, are affected with any infectious or contagious disease, to immediately notify such fact, belief or suspicion to the Board or any member of it, or to the Territorial Veterinarian; and it shall be the duty of any person who discovers the existence of any contagious or infectious disease among the domestic animals of another, to report the same to the said Board or Territorial Veterinarian, and any attempt to conceal the existence of such disease, or to wilfully or maliciously obstruct or resist the said Board or the Territorial Veterinarian in the discharge of their duties, as herein set forth, shall be deemed as misdemeanor.

DUTY OF COMMISSION.

SEC. 4. It shall be the duty of the Board provided for in the first section of this Act to protect the health of the domestic animals of the Territory from all contagious and infectious diseases of a malignant character, and for this purpose it is

hereby authorized and empowered to establish, maintain and enforce such quarantine, sanitary and other regulations, including methods of disinfecting railroad cars, as it may deem necessary. It shall be the duty of any member of said Board, upon receipt by him of reliable information of the existence among the domestic animals of the Territory of any malignant disease, to immediately notify the Territorial Veterinarian, who shall go at once to the place where any such disease is alleged to exist, and make a careful examination of the animals believed to be affected with any such disease, and ascertain, if possible, what, if any disease exists among the live stock reported to be affected, and whether the same is contagious or infectious or not, and if said disease is found to be of a malignant, contagious or infectious character he shall direct a temporary quarantine and sanitary regulations necessary to prevent the spread of any such disease and report forthwith his findings and action to the Chairman of the Board.

QUARANTINE.

SEC. 5. Upon the receipt of the Chairman of the Board of the report of the Territorial Veterinarian provided for in Section 4 of this Act, he shall immediately, if the exigencies of the case require it, convene the Board at the most convenient place, and if upon consideration of the report of the Veterinarian, the Board shall be satisfied that any contagious or infectious disease exist which seriously affects the health of domestic animals, they shall, after ascertaining and determining the extent of premises or grounds infected authorize the Veterinarian to establish the quarantine, sanitary and police regulations necessary to circumscribe and exterminate such disease; and no domestic animal liable to become infected with the disease, or capable of communicating the same, shall be permitted or leave the district, premises or grounds so quarantined, except by the authority of the Veterinarian. The said Board shall prescribe such rules and regulations as will enable the Veterinarian to perfectly isolate the disease, and exposed animals from all other domestic animals which are susceptible of becoming infected with the disease; they shall also, from time to time prescribe and enforce such directions, rules and regulations as to separating, mode of handling, treating, feeding and caring for such infected or diseased and exposed animals as it shall deem necessary to prevent the two classes of animals from coming in contact with each other, and the said Board or any of the members thereof, or said Veterinarian, are hereby authorized and empowered to enter upon any grounds or premises to carry out the provisions of this Act.

SEC. 6. When the said Board shall have determined the quarantine and other regulations necessary to prevent the

spread among domestic animals of any malignant, contagious or infectious disease found to exist among the live stock of the Territory, and given its orders as hereinbefore provided, prescribing quarantine and other regulations, it shall notify the Governor thereof who shall issue his proclamation, proclaiming the boundary of such quarantine, and the orders, rules and regulations prescribed by the Board, which proclamation may be published by written or printed hand bills posted within the boundaries or on the lines of the district, premises, places or grounds so quarantined, or by being published in the stock papers of the Territory; provided, that if the Board decides that it is not necessary, by reason of the limited extent of the district in which such disease exists that a proclamation should be issued, then none shall be issued, but the Board shall give notice as may to it seem best to make the quarantine established effective.

SLAUGHTER OF DISEASED ANIMALS.

SEC. 7. In any case of epidemic disease where premises have been previously quarantined by the Territorial Veterinarian, as before provided, he is further authorized and empowered, when in his judgment necessary, by and with the consent of the said Board, to order the slaughter of any, or of all diseased animals upon said premises, and of all animals that have been exposed to contagion or infection under the following restrictions: The order for slaughter shall be in writing, and shall be made in duplicate, and there shall be a distinct order and a duplicate for each owner of the animal or animals condemned, the original of each order to be filed in the office of the said Board and the duplicate given to the said owner. And further, before slaughtering any animal or animals that have been exposed only, and do not show disease, the Veterinarian shall call in consultation with him two reputable practicing Veterinarian or physicians, residents of the Territory, or, if this is impracticable then two reputable and well known stock owners, residents of the Territory, and shall have the written endorsement upon his orders of at least one of said consulting physicians or stock-owners, stating that said action is necessary and the consent in writing of the owner or person in charge before such animal or animals shall be slaughtered. It shall be the duty of the Territorial Veterinarian to superintend the slaughtering of such animals as may be condemned, and also the destruction of the carcass, causing the same to be destroyed as cheaply as practicable, which destruction shall be by burning to ashes, and shall include every part of the animal and hide, and also excrement and stable bedding or corral litter, as far as possible.

SEC. 8. Any person, persons, firm or corporation who

shall have in his possession any domestic animal affected with any contagious or infectious disease, knowing such animal to be so affected, or after having received notice that such animal is so affected, who shall sell, drive, ship, trade or give away such diseased animal or animals which have been exposed to such infection or contagion, sheep infected with scab upon the range excepted, or who shall move or drive any domestic animal in violation of any direction, rule, regulation or order establishing and regulating quarantines, shall be deemed guilty of a misdemeanor; provided, that any owner of any domestic animal which has been affected with, or exposed to any contagious or infectious disease may dispose of the same after having obtained from the Territorial Veterinarian a bill of health of such animal. It shall be unlawful to kill for butcher purposes any diseased animal, to sell, give away or use any part of it, or its milk, or to remove any part of the skin.

REPORTS AND PROCLAMATIONS.

SEC. 9. Whenever the said Board shall have good reason to believe that any contagious or infectious disease exists in any other State, Territory or Countries, or that there are conditions that render domestic animals from such districts liable to convey such disease, they shall report the same to the Governor. Thereupon the Governor shall by proclamation, prohibit the importation of any live-stock of the kind diseased in the Territory, unless accompanied with a certificate of health given by a duly authorized State or Territorial Veterinarian, and all such animals arriving in this Territory shall be examined upon arrival by the Territorial Veterinary Surgeon, and if deemed necessary placed in close quarantine until all danger of infection is passed, when they shall be released by order of the Territorial Veterinarian. All expense connected with such examination shall be paid by the owner or owners of such stock.

PROHIBITING IMPORTATION OF.

SEC. 10. It shall be unlawful for any person, persons, firm or corporation to drive or transport, or cause to be driven or transported into the Territory of Arizona any live stock from those States, Territories or Countries, against which the Governor has proclaimed a quarantine, as hereby provided for in Section 9 of this Act; provided, that cattle in transit through the Territory on a railroad, when not unloaded, are not liable to any penalties attached to this Act; otherwise, the regulations contained herein shall apply as well to those animals in transit through the Territory as to those resident therein; and the said Board, a member thereof or the Territorial Veterinary Surgeon, shall have full authority to examine, whether in yards or pasture, or stables, or upon the public

domain, all animals passing through the Territory, or any part of it, and on detection or suspicion of disease, to take possession of and treat and dispose of said animals in the same manner as is prescribed for animals resident in the Territory.

MISDEMEANOR.

SEC. 11. Any person, persons, firm, corporation, owner or agent, who shall knowingly bring into this Territory any domestic animal or animals affected with any contagious or infectious disease, or any animal or animals which have been exposed to any contagious or infectious disease, shall be deemed guilty of a misdemeanor.

PENALTY.

SEC 12. Except as otherwise provided in this Act. any person, persons, firm, corporation, owner or agent who shall violate, disregard or evade, or attempt to violate, disregard or evade any of the provisions of this Act, or who shall violate, disregard, or evade, or attempt to violate, disregard or evade any of the rules, regulations, orders or directions of the said Board establishing and governing quarantine, shall be deemed guilty of a misdemeanor; and any person, persons, firm, corporation, owner or agent who violate any of the provisions of this, or of Section 3, 5, 8 or 11, of this Act, shall be guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, shall be fined not less than fifty nor more than three hundred dollars, and shall be liable for any damage that may be sustained by reason of their failure to comply with the provisions of the said sections.

SEC. 13. The said Board shall have the power to employ such persons and purchase such supplies and material as may be necessary to carry into full effect all orders by it given, as hereinbefore provided, provided that no laborer shall be employed, or material or supplies purchased by the said Board, except such additional labor, material and supplies as may be necessary to carry into effect the quarantine and other regulations prescribed by the said Board.

SEC. 14. The said Commissioners shall have the power to call upon any sheriff, undersheriff, deputy sheriff, constable, cattle inspector or detective to execute their orders, and such officers shall obey the orders of said Board; and the officers performing such duties shall receive compensation therefor as is prescribed by law for like services; and any officer may arrest on view, and take before any magistrate of the County, any person found violating any of the provisions of this Act; and such officer shall immediately notify the District Attorney of such County of such arrest, and he shall prosecute the person so offending according to law.

INSPECTORS AND THEIR DUTIES.

SEC. 15. The said Board is hereby authorized, and it is made its duty, to exercise a general supervision over, and so far may be, protect the stock interests of the Territory from theft; and in furtherance of this object, the said Board shall devise and recommend from time to time such legislation as, in their judgment, will foster this important industry; and shall appoint such live stock inspectors and detectives as they may deem necessary for the better protection of the live stock interests of the Territory. Said stock inspectors and detectives shall be under the exclusive direction and control of the said Board, and shall report to it all their official acts, as prescribed in the rules and regulations of the said Board. The said Board shall cause to be kept in a safe place a permanent record of their own acts and of all official reports of said inspectors and detectives; provided, that the Board may appoint a Secretary, and pay for the clerical work and keeping the records of the inspection service in the office of the Board, a sum not exceeding fifty dollars per month.

MANNER OF INSPECTING.

SEC. 16. The said Board shall devise a system of inspection for health and for marks and brands of all stock exported from the Territory, and of all stock slaughtered in the Territory; and shall prescribe rules and regulations for the seizure and selling of stray stock, or of stock in the brand of unknown owners; for discovering unknown owners and for remitting to them the proceeds of such sale; they shall furnish suitable blanks in triplicate, upon which all inspectors shall keep a record of their inspection, and upon which they shall report to the Board all inspections made; the inspection reports whether in the hands of the inspector or in the office of the Board, shall at all times be open to any person or persons desiring to examine them, and the Secretary of the Board shall give to any person inquiring, any desired information obtainable from the inspection records.

DUTY OF INSPECTORS.

SEC. 17. The Stock Inspectors and Detectives are hereby empowered, and it shall be their duty, to arrest all persons who violate the stock laws of this Territory, which shall come under their observation, and shall, upon information that any person or persons have committed any crime or misdemeanor against the laws of this Territory, in feloniously marking or branding any stock, or other crime or misdemeanor under the laws of this Territory, for the protection of the rights and interests of stock owners, make the necessary affidavit for the arrest and examination of such person or persons; and shall, upon war-

warrant issued therefor by any officer authorized to issue the same, immediately arrest such person or persons and bring them before the officer issuing such warrant, or any other officer authorized to act in case of his absence or inability to act, to be dealt with according to law, and shall make due return of said warrant, and notify the said Board of his acts and doings in that behalf; and it shall be the duty of said Board in every proper way to assist in the prosecution and conviction of any and all persons guilty of any of the crimes and misdemeanors against the laws of this Territory in feloniously marking or branding, or stealing any stock, or other crime or misdemeanor under any of the laws of this Territory for the protection of the rights and interests of stock owners.

ACCOUNTS.

SEC. 18. All accounts shall be presented to the Board, accompanied with triplicate vouchers, two of which shall be filed in the office of the Board; they shall be examined, considered and approved for payment, if ascertained to be correct, and thereupon certified by the Chairman and countersigned by the Secretary to the Territorial Auditor, setting forth each item covered in said certificate. The Territorial Auditor shall then draw his warrant on the Territorial Treasurer for the respective amount set forth in each specified account, and the Treasurer shall pay the same as other Territorial warrants are paid.

FUNDS.

SEC. 19. Whenever any funds, received by this Board from the sale of stray stock, shall have remained in its possession for twelve months without any lawful claimant therefor having been found, it shall be the duty of the Chairman of the Board to pay the same to the Territorial Treasurer, to be by him placed to the credit of the General Fund of the Territory.

SEC. 20. For the purposes of this Act each Commissioner of the said Board is hereby authorized and empowered to administer oaths and affirmations.

APPOINTMENT OF INSPECTORS, DUTIES, RECORDS.

SEC. 21. It is hereby made the duty of the said Board to appoint live-stock inspectors and detectives upon a petition signed by not less than five persons, each of whom shall be interested and engaged in the business of owning and breeding live-stock in the Territory of Arizona, who shall hold their offices at the will and pleasure of the Board.

It shall be the duty of the said inspectors and detectives, under rules and regulations prescribed by the Board, to inspect for health and for marks and brands, at the railway loading

stations, or at the line of exit from the Territory, all stock about to be or being shipped or driven from, through or to any point in the Territory of Arizona, to require from the owner, or owners, person or persons in charge of such stock a list of the brands and marks, and to make sure by inspection that any and all live stock being shipped or driven as aforesaid is not stolen property, and that the person or persons in charge are the owners thereof, or are properly authorized in writing to handle such stock. The inspector or detective shall make a permanent record of such inspection, showing the date and place of making the same, the name of the owner or owners, the person or persons in charge of said stock, the kind and description of stock, together with the number in each brand and mark, and all other and further necessary information, which said record shall be open for inspection by all persons desiring to inspect the same. A duplicate record of all inspections shall be sent to the Board at such times and under such rules and regulations as the Board may adopt.

BOND.

SEC. 22. Any person who shall receive an appointment to the office of inspector or detective under this Act before entering upon the performance of his duties shall take the oath of office prescribed by law, and shall file a bond in the sum of Five Hundred Dollars with the County Recorder of the County wherein he resides, running in the name of the Territory, executed by himself, and at least two good and sufficient sureties, which bond shall be approved by the Chairman of the Board of Supervisors of said County, conditioned upon the faithful performance of the duties of his office.

SEC. 23. Any inspector or detective who shall knowingly give or make a false certificate, or shall, without good cause, refuse to give a certificate of inspection, or shall accept any bribe for failure to perform any of the duties prescribed by this Act, or who shall give a certificate of inspection before receiving his fees for such inspection, or wilfully delay in making inspections when notified, shall be liable with his sureties on his official bond to the injured parties for all damages arising therefrom.

COMPENSATION.

SEC. 24. Every inspector appointed under this Act must inspect all live stock subject to inspection immediately, except when such inspector is engaged elsewhere in a like duty, upon being notified by owner or person in charge of such stock, of the time and place from which said live stock is to be shipped or driven; and when inspected, said party in charge shall forthwith pay such inspector or detective for such inspection, three

cents per head for horses and neat cattle; one cent per head for hogs; whereupon the inspector shall certify in writing to the owner or person in charge, on form furnished by said Board, that said stock has been inspected according to law for marks and brands.

DRIVING STOCK OFF RANGE.

SEC. 25. Any person, not being the owner, or having the right of possession of any animal or animals, who shall be found driving any such animal or animals off its or their usual range, without the consent of the owner or owners thereof, shall be deemed guilty of larceny, and shall be arrested by the inspector or detective, or by any constable, officer or other person specially deputized for that purpose by a Judge or Justice of the Peace, and such person or persons may be taken before any magistrate for examination.

DUTY OF RAILROADS.

SEC. 26. It shall be unlawful for any railroad company to receive any live stock for transportation until the same shall have been inspected as required by this Act, and until such railroad company shall have been furnished with a certificate by a duly authorized inspector or detective, showing that the brands and ear-marks on such live-stock have been duly inspected as required by this Act. Any railroad company, or any officer, agent or servant of a railroad company, who shall violate the provisions of this Section shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than one hundred dollars and not more than five thousand dollars, in the discretion of the Court.

PENALTY.

SEC. 27. Any person violating any of the provisions of Sections 21, 22, 23 or 24 of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding three hundred dollars, or by imprisonment in the County jail not exceeding six months, or by both such fine and imprisonment.

TEXAS FEVER.

SEC. 28. No person shall, between the first day of February and the first day of December of any year, drive or cause to be driven into or through any county or part thereof in this Territory, or turn loose or cause to be turned upon, or kept upon any highway, range, common or enclosed pasture within this Territory, any cattle capable of communicating, or liable to impart what is known as Texas, Splenetic or Spanish Fever. Any person violating any provisions of this Section

shall, upon conviction thereof, be adjudged guilty of a misdemeanor and shall, for each offense, be fined not less than One Hundred Dollars and not more than Two Thousand Dollars, or be imprisoned in the County Jail not less than thirty days and not more than one year, or by both such fine and imprisonment.

RAILROADS, DUTY OF.

SEC. 29. No officer, agent, employe, servant, or other person connected with or employed in the business or operation of any railroad, common carrier or other transportation company or association, shall ship, or cause or permit to be shipped, or transport or cause or permit to be transported by means of the transportation afforded by such common carrier, railway or other transportation corporation, company or association, or deliver to any consignee or other person, between the first day of February and the first day of December of any year, within this Territory, any cattle capable of communicating or liable to impart what is known as Texas, Splenetic or Spanish Fever. Any person connected with or employed in the business or operation of any railway, common carrier or other transportation company, corporation or association, violating any of the provisions of this Section, shall, upon conviction thereof, be judged guilty of a misdemeanor and shall for each offense, be fined not less than Five Hundred Dollars, nor more than Two Thousand Dollars, or be imprisoned in the County Jail not less than thirty days nor more than one year, or by both such fine and imprisonment; provided that cattle in transit in cars through this Territory on any railroad, and not unloaded, are not liable to the penalties attached to this Section.

PEACE OFFICERS, DUTIES OF.

SEC. 30. It shall be the duty of any sheriff, under sheriff, deputy sheriff or live stock inspector, or detective within this Territory, upon a complaint made to him by any citizen of the Territory, or otherwise having notice or knowledge that there are within the county where such officer resides, cattle believed to be capable of communicating or liable to impart the disease known as Texas, Splenetic or Spanish Fever, to forthwith take charge of and restrain such cattle under such temporary quarantine regulations as will prevent the communication of such disease, and make immediate report thereof to the said Board, and such officer shall keep such cattle in custody as aforesaid until released by order of said Board, and no officer who shall take or detain any cattle under the provisions of this statute shall be liable to the owner of such cattle for any damage by reason of such detention or taking, or by reason of the performance of any other duty enjoined by this section.

QUARANTINE.

SEC. 31. Whenever said Board shall determine that certain cattle within the Territory are capable or liable to impart Texas, Splenetic or Spanish Fever, they shall issue any order to the sheriff or any constable or live stock inspector of the county in which such cattle are found, commanding him to take and keep such cattle in his custody subject to such quarantine regulations as they may prescribe until the first of December next ensuing, on which date they shall direct such officer to deliver such cattle to their owners or agents, provided, however, that before any cattle so held shall be delivered as aforesaid, there shall be paid to said Board all the costs and expenses of taking, detaining and holding said cattle, and in case such costs and expenses are not paid within ten days after the first day of December, the said officer shall advertise, in the same manner as is by law provided in cases of sales of personal property, that he will sell such cattle or such portion thereof as may be necessary to pay such costs and expenses of the sale, and at the time and place so advertised, he shall proceed to sell as many of said cattle as shall be necessary to pay off said costs and expenses, and expenses of the sale, and forthwith shall pay over to the owner of said cattle, or his legal representative any amount so received in excess of the legal fees and expenses of such officer. Any officer performing any of the duties enjoined in this Section, or in the next, shall receive the same compensation therefor as is prescribed by law for similar services, to be paid as other expenses of said Board are paid by law.

PENALTIES AND DAMAGES.

SEC. 32. Any such person as is specified in Section 29 of this Act, or any officer, agent, employee, servant or other person as is specified in Section 30 of this Act, violating any of the provisions of this Act, shall be liable to any party injured, through such violation for any damage that may thereby arise, from the communication of Texas Splenetic or Spanish Fever to be recovered in a civil action, and the party so injured shall have a lien for his damages on the cattle so communicating the disease, such lien to be enforced in like manner as other liens are enforced.

EVIDENCE, WHEN PRIMA FACIE.

SEC. 33. In the trial of any person charged with a violation of any of the provisions of this Act, and in the trial of any civil action to recover damages for the communication of Texas, Splenetic or Spanish Fever, proof that the cattle which such person charged with driving or keeping in violation of law, or which are claimed to have communicated the said disease were

brought into this Territory between the first of February and the first of December of each year in which the offense was committed or such cause of action arose, from territory within the area of which the United States Department of Agriculture from time to time has given notice that a contagious and infectious disease known as Splenetic or Southern Fever exists among cattle, shall be taken as prima facie evidence that such cattle were capable of communicating or liable to impart Texas, Splenetic or Spanish Fever, within the meaning of this Act, and that the owner or person in charge of such cattle has full knowledge and notice thereof at the time of the commission of the alleged offense; provided, that the provisions of this Act shall apply to the State of California during the whole year, and shall not apply to any cattle shipped or driven from Sonora, Mexico.

SEC. 34. Whenever two or more persons shall, in violation of this Act, at the same time, or at different times during the year, drive or cause to be driven upon any highway, range, common or pasture within this Territory, any cattle capable of communicating or liable to impart said fever, they shall be jointly and severally liable for all damage that may arise from the communication of such disease at any time thereafter during the same year, to any domestic, native or acclimated cattle, that have been on the same highway, range, common or pasture, so previously traveled over by such mentioned cattle.

SLAUGHTER HOUSES, INSPECTORS.

SEC. 35. The said Board on petition therefor, signed by at least five persons, each of whom are engaged in the business of owning and breeding live stock in this Territory, shall have power to and shall appoint live stock inspectors to reside in or near each city, town or village, or at any point where live stock are slaughtered in this Territory, who shall hold office at the will and pleasure of the said Board. No person or persons engaged or employed in the butchering business shall be eligible to hold the office of Commissioner or Inspector under this Act.

OATH AND BOND.

SEC. 36. Any person who shall receive an appointment to the office of Inspector under this Act, before entering upon the performance of his duties, shall take the oath of office prescribed by law, and shall file a bond in the sum of Five Hundred Dollars with the County Recorder in the County of his District, executed by himself and with two good and sufficient sureties, to the Territory, to be approved by the Chairman of the Board of Supervisors of such County, conditioned upon the

faithful performance, by him, or his regularly appointed deputy, of the duties of the office.

LOCATION OF.

SEC. 37. Any person, or persons, firm or corporation, engaged in the slaughter of live stock for sale in any city, town or village in this Territory, shall slaughter all such animals in a fixed and definite slaughter-house or slaughter-pen, to be kept by such person or persons for that purpose; said slaughter-house or slaughter-pen must be within four miles of the limits of said city, town or village.

SEC. 38. It shall be the duty of any person, persons, firm or corporation, carrying on the business of slaughtering said animals, to notify the nearest Inspector appointed under this Act of the location of his or their slaughter-house or slaughter-pen, and of the time and times when such person or persons propose to slaughter any such animals.

DUTY OF INSPECTOR, TAGGING HIDES.

SEC. 39. It shall be the duty of said Inspector to keep a general supervision of such slaughtering places, to notify the Chairman of said Board and the District Attorney of the proper County of any person, persons, firm or corporation, who is or are evading any of the provisions of this Act, to personally or by regularly appointed deputy inspect for health, for marks and brands and tag the hides of all said animals slaughtered for sale in their respective districts, and inspect such hide or hides, and put a tag on the left side of the neck of each hide with a tag seal furnished by the said Board, and shall receive as compensation therefor the sum of twenty-five cents for each hide of horned or neat cattle inspected or tagged, to be paid by such butcher; which amount shall be deducted from the purchase price; to keep a record of their general description, their marks and brands, ages and sex of such slaughtered animals, as determined by examination of the hide, ears and horns, said record shall at all times be open to inspection to any person desiring to inspect the same. A duplicate record of all inspections shall be sent to the Board, and triplicate given to the butcher at such times and under such rules and regulations as the Board may adopt. Any person, persons, firm or corporation selling, removing, or secreting any hide or hides, or detaching, obliterating or defacing from or upon the hide any mark or brand before they are inspected and tagged, shall be guilty of a misdemeanor, and shall be punished as hereinafter provided.

DUTY OF RANCHMEN, MUST PRESERVE HIDES.

SEC. 40. Any ranchman, trader or any other person, not

regularly engaged in carrying on the business of slaughtering neat or horned cattle at some known and established slaughter place within four miles of some city, town or village within the limits of this Territory, who shall slaughter any neat or horned cattle for sale, on their ranches or elsewhere, shall before offering the meat for sale in any city, town or village, within the limits of this Territory, take such meat together with the hide to a regularly appointed Inspector, and shall have the hide inspected and tagged, immediately paying therefor twenty-five cents for each hide inspected and tagged; all persons not engaged as butchers, who shall at any time kill or slaughter, or cause to be killed or slaughtered, any cattle either for his or their own use and consumption, or for sale, shall retain or cause to be retained in his or their possession, the hides taken off such animal or animals with the ear marks attached thereto without any alteration or disfiguration of the brands or marks on said hide or ears, for the period of twenty-one days free to the inspection of all persons. And any person failing to keep the hides in the manner and for the time above mentioned, or shall refuse to any person the inspection of such hide or hides shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding Two Hundred Dollars; provided, that any one may immediately sell or otherwise dispose of the hide of any animal as soon as it is duly inspected and tagged by an authorized Inspector.

BOND OF.

SEC. 41. Before any person, persons, firm or corporation shall begin, enter upon, or carry on the business of slaughtering animals for sale, or for the sale of meat, such person, persons, firm or corporation shall first give bond, with two or more good and sufficient sureties, to the Territory of Arizona, in the penal sum of One Thousand Dollars, to be approved by the Chairman of the Board of Supervisors of the County in which such business is to be carried on, conditioned that such person, persons, firm or corporation shall not slaughter or expose for sale any neat animal, or the meat thereof, without first being the legal and equitable owner thereof, as well in law as in fact, and that in case such person, persons, firm or corporation shall slaughter or sell, or expose for sale, any neat animal or the meat thereof, as aforesaid, shall pay therefor double the value of any such animal, the same to be recovered by action on said bond in the name of the true owner of such animal, the amount so recovered shall be paid as follows: One-half to the owner of such animal, one-fourth to the Inspector or person discovering the wrongful possession or slaughtering of such animals, and the remaining one-fourth to the said Board.

RECORDS AND REPORTS.

SEC. 42. Any person who shall set up, or carry on the busi-

ness of butchering or slaughtering of horned cattle or swine in this Territory, shall keep a true and faithful record, in a book to be kept for that purpose, of all live stock purchased or slaughtered by him, with a description of all animals so purchased or slaughtered, including all the marks, brands, ages and weight of such animals, the name and residence of the person from whom purchased, and the date of such purchase; and shall at the end of each month make a true and correct copy of such record so required to be kept by this Section, under oath, and deliver the same to the Inspector of his district. Any such person, persons, firm or corporation who fails to keep such record, or who fails and neglects to deliver a true copy of the record mentioned in this Section, or who refuses to exhibit, to any person demanding it, the said record, is guilty of a misdemeanor, and shall be fined a sum not less than Fifty Dollars nor more than One Hundred Dollars for every day he shall have failed to comply with this Section.

TRANSPORTING UNTAGGED HIDES. PENALTY.

SEC. 43. It shall be unlawful for any railroad company to receive for transportation any hides until the same shall have been inspected and tagged as provided in this Act. Any railroad company, or officer, agent or servant of a railroad company, who shall violate the provisions of this Section, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than One Hundred Dollars, and not more than Five Hundred Dollars, in the discretion of the Court.

BRANDING.

SEC. 14. Every person, firm, company or corporation owning horses, mules, asses or neat cattle in this Territory, shall have and adopt a mark and brand for such animals, by which they shall be marked and branded after such brand shall have been recorded as required by this Act.

EVIDENCE OF.

SEC. 45. No brands, except such as are recorded under the provisions of this Act, shall be recognized in law as any evidence of ownership of the horses, mules, asses or neat cattle upon which such brand may be used.

RECORD OF.

SEC. 46. Any brand, recorded in accordance with the requirements of this Act, shall be considered as the property of the person causing such record to be made, and shall be subject to sale, assignment, transfer, devise and descent, the same as other personal property.

RULES AND REGULATIONS.

SEC. 47. From and after the passage of this Act the Board shall be and constitute a Board for the registration of brands on horses, mules, asses and neat cattle in this Territory, and it shall make rules and regulations governing the recording and use of live stock brands.

BRAND BOOK.

SEC. 48. Immediately upon the passage of this Act it shall be the duty of the said Board to procure a suitable book, to be known as the Territorial Brand Book in which shall be recorded the brands used for the branding of horses, mules, asses and neat cattle in this Territory.

EVIDENCE.

SEC. 49. For the purposes of this Act and in all the prosecutions arising under the same, or in the prosecution of any offense arising under the laws of this Territory in regard to the unlawful taking, handling, killing, driving or other unlawful disposition of animals of the bovine kind, the description "neat cattle" in any indictment shall be deemed sufficient and the proof of the brand by a certified copy of the registration thereof in the Territorial Brand Book, under the seal of the said Board, certified to by its Secretary, shall be sufficient to identify all horses, mules, asses, or neat cattle, and shall be *prima facie* proof that the person owning the recorded brand is the owner of the animal branded with such brand.

SEC. 50. At any time before the first day of July after the passage of this Act it shall be the duty of persons, firms, companies or corporations owning brands and marks, to file the same with the said Board; and the said Board shall record the same in a book of brands and marks, and shall furnish to the owners certificates thereof under the seal of the Board, free of charge, which said certificates shall be competent evidence of the registration of such brand and *prima facie* evidence of ownership. It is hereby made the duty of said Board to transcribe in a Territorial Brand Book all of said Brands and marks; thereupon all of said brands and marks shall be deemed to have duly recorded in such Territorial Brand Book by the owners of said brands and marks. After said first day of July next, no one shall file any brand which has before that time been filed by another. With the brand offered for registration before July first aforesaid, the owner shall furnish a certificate of the Recorder of his County that the brand so offered for registration is the recorded brand of the owner, and the Recorder shall charge twenty-five cents and no more, for such certificate. Before registration the Board shall ascertain by such rules and

regulations as they may prescribe the real owner of the brand offered for registration, and the same shall be registered in the name of the true owner, and said Board shall be held responsible in damages for duplicating certificates of brands to different owners.

FEES.

SEC. 51. From and after the passage of this Act, any person, firm, company or corporation desiring to adopt any brand or mark to be used for the branding of horses, mules, asses or neat cattle in this Territory, shall, before using the same, forward to the said Board a fac simile of such brand or mark, defining the position on the animal upon which the brand shall be placed, together with a fee of fifty cents to pay for recording the same; upon the receipt of such fac simile and fee, the said Board shall immediately record the same in the Territorial Brand Book, unless such brand has already been recorded in behalf of some other person, firm, company or corporation, or is of such a character as to conflict with such prior recorded brand, in which case the said Board shall not record such latter brand, and shall return such fac simile and fee to the party by whom the same was forwarded to them, with a statement of the reason for refusing to record the same.

CERTIFIED COPY.

SEC. 52. Upon the recording of any such mark, brand or brands, as provided by the preceding Sections of this Act, the owner thereof shall procure from the said Board a certified copy of such mark, brand or brands, under the seal of said Board, paying therefor the sum of fifty cents.

RECORDING.

SEC. 53. From and after the passage of this Act, it shall be unlawful for any County Recorder in this Territory to record any mark or brand unless the application to record the same is accompanied with a certificate from the said Board to the effect that said mark or brand has been recorded in the Territorial Brand Book.

PUBLISHING BRAND BOOK, DUPLICATE TO BE FILED WITH COUNTY RECORDER.

SEC. 54. It shall be the duty of the said Board within ninety days after the first day of July, A. D. 1897, to publish a brand book, in which shall be given a fac simile or copy of all brands recorded in their office on the said first day of July, together with the owner's name and the county wherein he resides, such names and brands shall be arranged in the most

convenient form for reference, and the following may be the form of the said Brand Book:

Date.	Name.	Residence.	Descript'n of Ear Marks	Descript'n of Brands.	Remarks.
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Such book shall be bound in a good and substantial binding and in such a manner that additional leaves may be added thereafter; one copy of such book shall be forwarded to the County Recorder of each County, in whose office it shall be kept open for the inspection of all persons interested. It shall be the duty of said Board quarterly, after the publishing of said Brand Book, to furnish each County Recorder with a list of brands recorded in their office during the preceding three months, which list shall be printed in uniform style with the pages of such brand book, and shall be pasted in and become a part of such brand book when received by the County Recorders of the respective Counties. The said Board is authorized to publish if they deem best to do so, a limited number of such Brand Books in addition to the number required by the provisions of this Section, and to sell the same for such price as the said Board shall consider reasonable and proper, which price shall not be less than the actual cost of same, and from time to time to revise said Territorial records of brands by the cancellation of obsolete and unused brands, and to provide by regulation for due notice of such revision.

USE OF BRAND.

SEC. 55. No person owning or claiming shall in originally marking or branding horses, mules, asses or neat cattle, make use of or keep up more than one mark or brand; provided, that any person may own and possess such animals in many marks and brands, the same having been by him acquired by purchase or any other lawful manner, and bills of sale in writing, properly acknowledged from the previous owner or owners of the animal or animals having such brands, or from the heirs, executors administrators, or legal representatives of such owner or owners, shall be sufficient evidence of such purchase; but the increase of such animals so acquired by such person from other live stock owned by him shall be branded by and with the recorded brand and mark of the person acquiring such animals; Provided that in case where live stock having upon them a duly recorded brand may have had established against them a mortgage or other lien, it shall be lawful for either of the parties interested in such lien, for the purpose of identification of the animals covered by such lien upon filing with said Board a duly certified copy of such mortgage or other lien to adopt and record in the same manner as an original brand, a

special brand to be placed upon the animals subject to such lien and their increase for the identification of such animals during the pendency of such lien.

MINORS, BRAND OF.

SEC. 56. Minors owning horses, mules, asses or neat cattle separate than that of the parent or guardian, may have a mark or brand which shall be recorded in accordance with the requirements of this Act, but the parent or guardian shall be responsible for the proper use of such mark and brand by any such minor.

BILL OF SALE.

SEC. 57. Upon the sale, alienation or transfer of any horses, mules, asses or neat cattle by any person in this Territory, the actual delivery of such animals shall be accompanied by a written bill of sale from the vendor or the party selling to the party purchasing, giving the number, kind, marks and brand of each animal sold and delivered, which bill of sale shall be signed by the party giving the same, and shall be acknowledged by him as his act and deed before some officer authorized under the laws of the Territory to take acknowledgment of deed of conveyance; and upon the trial of any person charged with the theft, unlawful possession, handling, driving or killing of any such animal as is mentioned in this section, the possession of such animal by the accused without his having a duly written and acknowledged bill of sale therefor, such as is required by the provisions of this Section, shall be prima facie evidence against the accused that such possession was illegal; and no officer acknowledging any bill of sale or other written instrument required to be acknowledged under the provisions of this Act shall be authorized to exact or receive a larger fee than twenty-five cents for acknowledging, certifying to and affixing his seal to such instrument.

VENTING.

SEC. 58. Every person who sells horses, mules, asses or neat cattle, must vent or counter-brand such animals, and said vent or counter-brand must be upon the same side of the animal as the original brand. A legal vent shall be a stamp iron of record; provided, that animals sold to be slaughtered, or shipped out of the Territory need not be vented.

ESTRAYS, SALE OF.

SEC. 59. Whenever any live stock branded with any brand not duly recorded as required by the provisions of this Act shall be found at large upon any range in this Territory, the same shall be reported to the said Board by any duly author-

ized inspector and detective therefor, and shall be considered as unclaimed live stock, and shall be disposed of as now provided by law for the disposition of unclaimed live stock.

WRITTEN AUTHORITY.

SEC. 60. Any person, company or corporation owning a recorded mark and brand and being the owner or owners of animals of the horse, mule, ass or neat cattle kind, branded with such recorded brand, or who shall be the lawful owner of such animals having other brands, who may wish to authorize any other person or persons to gather, drive or otherwise handle any of said animals by their mark and brand, shall furnish to such person or persons an authority in writing containing the list of the marks and brands authorized to be handled, and authorizing the person or persons therein named to gather, drive or otherwise handle the stock therein described, and the possession of such written authority shall be deemed sufficient to authorize the person or persons therein named to gather, drive or otherwise handle any of such animals in the marks and brands set forth and described in the said written authority; provided, that if any person, firm, company or corporation, in giving any such written authority as is provided in this Section, shall insert therein any mark or brand of which said person, firm, company or corporation is not the lawful owner, and any animal having any such mark or brand shall be unlawfully taken, gathered, driven, or otherwise unlawfully handled by the person or persons having such written authority and by virtue thereof, then the person, firm, company or corporation giving such written authority shall be deemed principals to the unlawful taking, gathering, driving or handling of such animal or animals.

SALE OF HERD ON RANGE.

SEC. 61. The owner or owners of horses, mules, asses, or neat cattle running at large upon any range in this Territory may dispose of such animals by range delivery while on the range and ungathered, by the sale and delivery of the marks and brands of such animals; but in every such case, the purchaser, in order to acquire title to such animals, must have his conveyance or written transfer of such animals, described by marks and brands, duly acknowledged by the vendor and then recorded in the office of the County Recorder of the County in which such animals range, in a book kept for such purpose, and such sale or transfer shall be noted on the record of original marks and brands in the office of said Board.

BRANDS PROHIBITED.

SEC. 62. Any person who shall mark or brand any unmarked or unbranded horse, mule, ass or neat cattle found run-

ning at large upon any range in this Territory with a mark or brand that has not been recorded under the provisions of this Act, or who, for the purpose of branding horses or cattle, uses as a brand a sash, frying pan or any device whatsoever which can be employed or used to obliterate a brand, and every person who shall use any unrecorded brand which is an infringement upon any recorded brand, or who shall use a like brand in the same position or place recorded by another, shall be deemed guilty of larceny of said animal.

SEC. 63. Hereafter it shall be unlawful for any person to take up from any range, ranch, farm, corral, yard or stable, any horse, mule or other animal, and use the same without the consent of the owner of any such animal, or of the person having the same in charge.

MANNER OF TAXING.

SEC. 64. Live stock so branded shall be listed for assessment, and taxes assessed against the same shall be collected in the same manner as is provided for the assessment and collection of taxes upon real estate; and such assessment shall constitute a lien for taxes on all the stock in that brand; provided, that if the owner of any brand shall sell any number of cattle less than the entire under any brand before the taxes are due, such owner shall be permitted to pay taxes on the number sold proportioned to the number assessed in any such brand, and the amount shall be credited on the amount due under the assessment against any such brand.

FENCES ON RAILROAD RIGHT OF WAY.

SEC. 65. In all cases where the live stock of any person is injured or killed by locomotive or cars on any portion of the line of any railroad company within this Territory, unfenced by good and sufficient fence, or other barriers sufficient to turn live stock, by the company or corporation running such locomotive or cars, shall be liable in damages therefor to the owner of such live stock, to be recovered in any court of competent jurisdiction within this Territory, unless it be shown on the trial of any action instituted for the recovery of such damages, that the owners of such live stock, his agent or servants, immediately contributed to such killing or injury; the mere straying of live stock upon unfenced portions of such railroad shall not be held upon the trial of causes brought under this Act to be any evidence of contributory negligence on the part of the owner of such live stock, nor shall the grazing of the same unattended by a herder be so considered.

KILLED OR INJURED STOCK, RAILROAD LIABLE FOR.

SEC. 66. Every railroad corporation or company operating

any railroad or branch thereof, within the limits of this Territory, which negligently injures or kills any horse, mare, gelding, filly, jack, jennie or mule, or any cow, heifer, bull, ox, steer or calf, or any other domestic animal, by running any engine or engines, car or cars, over or against any such animal, shall be liable to the owner of such animal for the damages sustained by such owner by reason thereof. The killing or injury shall be prima facie evidence of negligence on the part of such corporation or company.

OWNERS LIABLE FOR DAMAGES, WHEN.

SEC. 67. If the owner or owners, or his or their duly authorized agent or agents, of any animal or animals heretofore mentioned shall drive the same upon the track of any such corporation, association, company, person or persons, with the intent to thereby injure it or them, and such animal or animals shall be killed or injured, such owner or owners shall be liable for all injury or damage occasioned by reason of such act, and shall be punished as provided in the penal code for felony.

SEC. 68. Hereafter it shall be the duty of all railroads in this Territory to require all Section foremen, while in their employ and service as such, to keep at the section house a specific record upon forms furnished by said Board, of all stock killed or crippled upon their respective sections of such railroad, giving age, color, sex, marks and brands of all such stock so killed or crippled, which record shall be open and free for inspection by the public at all reasonable times.

RAILROAD CROSSINGS.

SEC. 69. Any railroad, corporation or lessee, person, company or corporation, operating any railroad in this Territory which may hereafter fence their right-of-way, shall make crossings through their fence and over their road-bed along their right-of-way, at least every five miles thereof, or as near thereat as may be practicable.

WIDTH OF.

SEC. 70. Such opening shall not be less than sixty feet in width. The said railroad Company or lessee, person, corporation or company operating any railroad shall place cattle guards and wing fences on either side of the said openings, sufficient to prevent any cattle entering upon the said right-of-way so enclosed.

RAILROAD BRIDGES.

SEC. 71. Such railroad company, lessee, person or corporation operating any railroad, shall leave unfenced any places

wherein the said railroad run over any trestles, or bridges that are sufficiently high for cattle to go under the same

PENALTY.

SEC. 72. Any railroad company, lessee, person or corporation operating any railroad in this Territory violating any of the provisions of Sections 68, 69, 70 or 71 of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall in any Court of competent jurisdiction, be fined in a sum of not less than one hundred dollars and not more than three hundred dollars.

INSPECTION TO BE MADE IN DAYLIGHT, IN PENS OR CORRAL.

SEC 73. All inspections of live stock made by live stock inspectors or detectives under this Act, shall be made in daylight, and the inspection of horses, mules, asses and cattle shall be made, when pens will admit, by driving such animals into a pen or corral, in bunches of not more than five, and held in such pen or corral until the inspector shall personally see and inspect each and every mark and brand, and mark the same on his record or tally, and when he has so inspected and tallied such cattle and is satisfied as to the same, he shall order them driven out and another bunch driven in such pen or corral in like manner, and so on until the entire herd is inspected.

MUST INSPECT IN MANNER PRESCRIBED.

SEC. 74. Any inspector or detective of this Territory who shall inspect cattle in any other manner than that prescribed in Section 73 of this Act, or any owner, employee or other person who shall oppose, obstruct, hinder or attempt to obstruct or hinder by act or suggestions, such inspection as prescribed in Section 73 of this Act, shall be guilty of a misdemeanor, and fined not less than fifty dollars and not more than three hundred dollars, or imprisoned in the County Jail not more than ninety days.

PENALTY.

SEC. 75. Any person violating any of the provisions of this Act, the penalty of which is not otherwise specially provided for, shall be adjudged guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than ten dollars nor more than three hundred dollars, or be imprisoned in the County Jail for not less than ten days, nor more than six months, or by both such fine and imprisonment, in the discretion of the Court, but nothing in this Act shall be construed to repeal any existing law imposing penalties for the unlawful taking, driving, killing, branding, defacing of brands, or other

unlawful handling of any of the kinds of animals mentioned in this Act.

JUSTICES OF THE PEACE.

SEC. 76. Justices of the Peace within their respective counties, within the limits of their jurisdiction, shall have cognizance of all cases arising under the provisions of this Act.

DUTY OF PROSECUTING ATTORNEY.

SEC. 77. It shall be the duty of the Prosecuting Attorney of the proper County to prosecute on behalf of the Territory all criminal cases arising under this Act.

ATTORNEY GENERAL, DUTY OF.

SEC. 78. It shall be the duty of the Attorney General at all times to advise with said Board whenever called on; to give opinions in writing in response to requests by the said Board, and to appear in any cause on behalf of the Board, its agents or employees.

REPEALING CLAUSE.

SEC. 79. All Acts and parts of Acts in conflict with this Act are hereby repealed. Sections 973, 980 and 981 of the Criminal Code of Arizona are hereby repealed. Section 321 of the Revised Statutes of Arizona is hereby repealed. Title LIX, Chapter one, Chapter two, Chapter three, Chapter four and Chapter five of said Statutes are hereby repealed, and all Acts and parts of Acts repealed by said Chapters are hereby repealed. Sec. 1, Act No. 5, of the laws of 1889, approved March 13, 1889; Act No. 45, of the laws of 1889, approved March 21, 1889; Act No. 54, of the laws of 1889, approved March 21, 1889; Act No. 105, of the laws of 1891, approved March 9, 1891; Act No. 58, of the laws of 1893, approved April 10, 1893; Act No. 22, of the laws of 1895, approved March 14, 1895; Act No. 52 of the laws of 1895; approved March 21, 1895; Act No. 54 of the laws of 1895; approved March 21, 1895; Act No. 57, of the laws of 1895, approved March 21, 1895, are hereby repealed.

SAVING CLAUSE.

SEC. 80. The repeal of the foregoing Sections, Acts and parts of Acts, shall in no way affect any rights that have accrued or any actions pending.

SEC. 81. This Act shall take effect and be in force from and after its passage.

FRED G. HUGHES,
President of the Council.

D. G. CHALMERS,
Speaker of the House.

Approved this first day of March, A. D. 1897.

B. J. FRANKLIN,
Governor of Arizona.

No. 7.

AN ACT

To Provide for the Further Maintenance of the University of Arizona.

Be it Enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. There shall be levied annually, for the years 1897 and 1898, in addition to all other taxes otherwise directed to be levied and collected, a tax of one-half of a mill on each one dollar of the assessed value of all real and personal property in the Territory of Arizona, and when collected to be placed by the Territorial Treasurer in the fund known as the University Fund.

The Territorial Auditor shall certify the rate of tax, as above stated, to the several Boards of Supervisors throughout the Territory, and the said Boards of Supervisors are hereby directed and required to enter such rate on the assessment rolls of their respective counties in the same manner and with the same effect as is provided by law in relation to other Territorial and County taxes.

The tax levied under the provisions of the authority of this Act is hereby made a lien against the property assessed, which lien shall attach on the first Monday in March in each year, and shall not be satisfied or removed until such tax has been paid.

SEC. 2. The Board of Regents of the University of Arizona are authorized to expend such portion of the University Fund, and such other funds as may be provided for the said University, as they may deem expedient for the erection and furnishing of suitable buildings and the support and maintenance of said University.

SEC. 3. The Territorial Auditor is hereby authorized and directed to draw his warrant on the Territorial Treasurer for all claims approved and allowed by the said Board of Regents,

under the provisions of this Act, and the Territorial Treasurer is hereby authorized and directed to pay said warrants out of any moneys in the University Fund.

SEC. 4. This Act shall take effect and be in force from and after its passage.

FRED G. HUGHES,
President.

D. G. CHALMERS,
Speaker.

Approved this first day of March, A. D. 1897.

B. J. FRANKLIN,
Governor of Arizona.

No. 8.

AN ACT

Requiring Foreign Building and Loan Corporations, Companies and Associations to Give Bonds for the Security and Protection of Stockholders in the Territory of Arizona.

Be it Enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That hereafter no building and loan corporation, company or association organized under the laws of this or any other State, Territory or foreign country shall be permitted to do or transact any kind of building and loan business in this Territory, until such corporation, company or association, in addition to other requirements of law, shall have made, executed and deposited with the Territorial Treasurer a good and sufficient bond, with two or more sureties, in the sum of Fifteen Thousand Dollars, for the benefit and security of its stockholders residing in this Territory.

SEC. 2. The bond mentioned in Section 1 of this Act must be in form joint and several, payable to the Territory of Arizona and signed by the president, secretary, treasurer or managing agent of such corporation, company or association, and at least two sureties; conditioned that in cases wherein judgment has been rendered against such corporation, company or association, and a supersedeas bond on appeal has not been given by the principal, as required by law, or in case the supersedeas bond should for any cause fail or become insufficient, that the principal, within thirty days after such failure or rendition of any judgment against it, or them, as the case may be, pay or cause to be paid, all such judgments (not exceeding fifteen thousand dollars) recovered against it, or them, as the case may be, in any court of competent jurisdiction in this Territory, or any liability incurred by virtue of any of its stock.

SEC. 3. Every such bond shall be in force and binding on the principal and sureties, for the faithful compliance of the principal with the requirements of this Act, and for the use and benefit of any and all persons, corporations, companies, and associations, who may have any judgment against the principal; and in cases where a supersedeas bond on appeal has not been given, as required by law, and any person, corporation, company or association, who may have any such judgment against the principal recovered on a certificate of stock and a supersedeas bond has not been given, may, thirty days after the entry of such judgment, bring suit on such bond in his or its name, as the case may be, without an assignment thereof, in any court of competent jurisdiction in this Territory.

SEC. 4. No bond mentioned in this Act shall be void on account of the first recovery thereon; but suits may afterwards be brought on said bond from time to time by any person, corporation, company or association aggrieved, and who come under the provisions of this Act, and recover judgment thereon, until the whole penalty of the bond shall be exhausted.

SEC. 5. The sureties on the bond must severally justify before an officer authorized to administer oaths, as follows: That he is a resident and freeholder or householder within this Territory and is worth the amount for which he becomes surety, over and above all his just debts and liabilities, in property situated within this Territory, exclusive of property exempt from execution and forced sale.

SEC. 6. The sureties may become severally liable for portions of not less than one thousand dollars, making in the aggregate at least two sureties for the whole amount of the bond.

SEC. 7. It shall be the duty of the Territorial Treasurer to approve all such bonds and when in his judgment any bond made under the provisions of this Act, or the sureties thereon, for any cause becomes insufficient, to require the principal to furnish a new bond.

SEC. 8. Such building and loan corporation, company or association may in lieu of the bond mentioned in Section 1 of this Act, deposit with the Territorial Treasurer, Territorial Funding bonds, or some other interest-bearing valid bonds, of the Territory of Arizona, or any of the counties thereof, or any of their first mortgages—or give security through any reliable security company—to the amount of fifteen thousand dollars, to be held in trust for the benefit of local stockholders of said building and loan corporation, company or association.

The Territorial Treasurer must, upon receipt of such securities, forthwith deposit the same in the Territorial Treasury, in

a package marked with the name of the corporation, company or association from whom received, where said securities must remain as security for stock-holders of the corporation, company or association to which they respectively belong; but so long as the corporation, company or association remains solvent, he must permit such corporation, company or association to collect the interests or dividends on these securities so deposited, and may from time to time withdraw any of said securities, on depositing the value thereof in money or other securities of the same kind and value as those mentioned in this Act, instead of those withdrawn.

SEC. 9. If for any cause the securities should at any time, in the judgment of the Territorial Treasurer, become insufficient, he may require such corporation, company or association to deposit additional securities to make up the full amount of fifteen thousand dollars

SEC. 10. Any corporation, company or association mentioned in this Act, desiring to suspend business and withdraw the securities so deposited, must furnish the Territorial Treasurer with satisfactory proof that all certificates of stock have been called in and satisfactorily settled and adjusted, and that there are no suits pending against it or them, and that there are no unsatisfied judgments against it or them, as the case may be.

SEC. 11. Any judgment creditor who may have any unsatisfied judgment recovered on a certificate of stock against such corporation, company or association, and a supersedeas bond on appeal has not been given as required by law, may within thirty days from the date of said judgment have execution and levy on sufficient of said securities to satisfy said judgment.

SEC. 12. Any person or agent or otherwise who shall solicit investments or issue or deliver any certificate of stock in this Territory for or on account of any foreign building and loan corporation, company or association, which has not complied with the provisions of this Act, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding Two Hundred Dollars nor less than Fifty Dollars or by imprisonment in a County Jail not exceeding three months.

SEC. 13. This Act shall take effect and be in force from and after its passage.

FRED G. HUGHES,
President.

D. G. CHALMERS,
Speaker.

Approved, this fourth day of March, A. D., 1897.

B. J. FRANKLIN,
Governor.

No. 9.

AN ACT

Authorizing the Erection of a Capitol Building and to provide the Necessary Means therefor.

Be it Enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. The commission established and existing by virtue of an Act by the Fifteenth Legislative Assembly of the Territory of Arizona, entitled, "An Act to obtain a Capitol Site and to provide for its improvements," approved March 21st, 1889, and Acts amendatory thereto, shall hereafter be known, and shall continue and exist, as the "Capitol Grounds and Building Commission."

The "Capitol Grounds and Building Commission," with the funds levied and collected under the provisions of this Act, is empowered and is hereby directed to erect and build a Capitol Building on the grounds conveyed to the Territory of Arizona by deed of conveyance dated June 10, 1889, and being Tract "A" of the Capitol Addition of lots to the city of Phoenix, as appears by map and plat thereof filed in the Recorder's office of Maricopa County, Territory of Arizona, on the second day of July, 1889, reported in Book One of Maps, page 62, and now owned and held by the Territory of Arizona as Capitol Grounds; and when so erected and built, to furnish and maintain the same.

SEC. 2. When the funds shall have been obtained as provided for by this Act, and not before, said Capitol Grounds and Building Commission shall advertise in at least one daily newspaper published in Phoenix, Arizona; one daily newspaper published in Los Angeles, California, and one daily newspaper published in San Francisco, California, that on a date not less than sixty nor more than ninety days thereafter, to be designated in said advertisements, said Commission will receive and inspect plans, specifications and estimates of cost of a proposed Capitol Building for the Territory of Arizona, to be erected on said Capitol Grounds, being Tract "A" of the Capitol Addition of lots to the city of Phoenix, Arizona, adapted to the needs and use of the Territory, at a cost of said building not to exceed one hundred thousand dollars.

SEC. 3. The said Commission shall, on the day mentioned in said advertisements, meet at the city of Phoenix, and shall at the time and place mentioned in the advertisement, examine and inspect all plans, specifications and estimates of cost, for said proposed Capitol Building, that may then be submitted to it. If any of said plans, specifications and estimates of cost shall meet the approval of said Commission, they shall be

adopted as the plans and specifications for the erection of said proposed Capitol Building on the Capitol Grounds before mentioned. In the event that none of said plans, specifications and estimates of cost shall be deemed by the Commission to be acceptable, then the Commission shall in its discretion readvertise for such plans, specifications and estimates of cost, or cause such modifications in the plans and specifications submitted as shall make them acceptable.

SEC. 4. Within thirty days after such plans shall have been approved and accepted, said Commission shall cause to be inserted an advertisement, in at least one daily newspaper published in the said city of Phoenix, that it will receive proposals for the erection and construction of said Capitol Building, at the place aforesaid, according to the plans and specifications adopted by the Commission. Said advertisement shall be published for at least three consecutive weeks, and shall name the day and place when and where such proposals shall be opened, such day being not less than twenty nor more than forty days after the last publication of said advertisement. On the day mentioned therefor in said advertisement said Commission shall meet and open and examine said proposals, and shall then and there award the contract for the erection and construction of said Capitol Building to the best and lowest bidder therefor; provided, that the cost so proposed shall not exceed the sum of one hundred thousand dollars, or may reject all bids at their discretion and again readvertise as above provided.

SEC. 5. After said contract shall have been so awarded the said Commission shall within ten days enter into a contract with the person or persons to whom the same shall have been awarded, for the erection and construction of said proposed Capitol Building, in accordance with the plans and specifications adopted therefor and the terms of the bid accepted. Such contract shall be drawn under the supervision and subject to the approval of the Attorney General of the Territory, and shall be so drawn as to best secure the prompt and complete compliance by the contractor therewith.

SEC. 6. The person or persons whose plans and specifications for said proposed Capitol Building shall have been accepted, under the provisions of this Act, shall not be employed, by said Commission, as the architect and superintendent of construction of said proposed Capitol Building.

SEC. 7. The contractor or contractors of said proposed building shall, within twenty days after the contract has been awarded to him or them, execute and deliver, with two or more good and sufficient sureties, to be approved by said

Commission, payable in the Territory of Arizona, in the sum of twenty-five thousand dollars, conditioned that such contractor or contractors shall faithfully perform said contract.

SEC. 8. No member of the Capitol Grounds and Building Commission shall be directly or indirectly interested in any contract, purchase or sale made, or business carried on in behalf of the Capitol Grounds or Capitol Building. All contracts, purchases or sales made in violation of this Section shall be held and declared null and void, and all money paid to any member of the Commission for his benefit, in whole or in part in consideration of such purchases, sales or contracts made, may be recovered back by civil suit to be instituted in the name of the Territory of Arizona against such Commissioner, and, in addition, it is hereby made the duty of the Governor, upon proof satisfactory of the fact of such interest, to immediately remove such Commissioner, and report the facts to the Attorney General, who shall take such steps in the premises as he shall deem expedient.

SEC. 9. That in order to enable said Capitol Grounds and Building Commission to carry out and perform the duties in this Act conferred upon them, and to provide the necessary funds therefor, an issue of coupon bonds of the Territory of Arizona is hereby authorized to the amount of one hundred thousand dollars, the same to be known as the Capitol Building Bonds of the Territory of Arizona. Such bonds shall be in the usual form of coupon bonds, in the denomination of one thousand dollars each, and shall bear interest at the rate of five per cent. per annum, payable semi-annually. Principal and interest shall be payable at the office of the Territorial Treasurer, in lawful money of the United States, or at such bank as may be designated by said Commission, at the option of the purchaser or purchasers of said bonds, the place of payment being mentioned in said bonds. Such bonds shall be payable absolutely in fifty years from their date, and the Territory shall have the right to pay them at any time after twenty years from their date.

They shall bear the date of their issue, and numbered from one to one hundred, consecutively; state when, where and to whom payable, rate of interest and when and where payable, and shall be signed by said Capitol Grounds and Building Commissioners, and shall have the seal of the Territory affixed thereto, and be countersigned by the Territorial Treasurer and registered by the Territorial Auditor in a book kept by him for that purpose.

SEC. 10. Before said Capitol Grounds and Building Commission shall sell such bonds, or offer them for sale, they shall direct the Territorial Treasurer to advertise for a sale of the

bonds to be issued, by causing a notice of such sale to be published for the period of one month in some daily newspaper published at the Capital of the Territory, and at least one insertion in a newspaper published in the City of New York, in the State of New York, and in the city of San Francisco, in the State of California; such notice shall specify the amount of bonds to be sold, the rate of interest they shall bear, the place, day and hour of sale, and that bids will be received by said Treasurer for the purchase of said bonds on or before the time and place named in said notice. At the time and place named in said notice, the Treasurer and the said Capitol Grounds and Building Commission shall open all bids received, and shall award the purchase of said bonds, or any part thereof, to the highest bidder or bidders therefor; provided, that said Capitol Grounds and Building Commission shall have the right to reject any and all bids; and provided, that no sales of any bonds be made for less than their par value; and providing they may allow a commission for selling the same not exceeding two and a half per centum on the amount sold.

SEC. 11. The proceeds of the sale of such bonds shall be turned into the Territorial Treasury, and kept by the Territorial Treasurer in a separate fund, called the Capitol Building Fund, and shall be paid out and disbursed only at the order of the Capitol Grounds and Building Commission.

SEC. 12. To provide for the payment of the semi-annual interest on the bonds as herein authorized, there shall be levied annually, in addition to all taxes otherwise directed to be levied or collected, such a tax on each one dollar of the assessed value of all real and personal property in the Territory of Arizona as to provide a sum sufficient to pay the amount of such interest; and when collected to be placed by the Territorial Treasurer in the fund known as the Capitol Interest Fund. The Territorial Auditor shall certify the rate of tax, as above stated, to the several Boards of Supervisors throughout the Territory, and the Boards of Supervisors are hereby directed and required to enter such rate on the assessment roll of their respective counties in the same manner and with the same effect as is provided by law in relation to other Territorial and County taxes. The tax levied under the provisions or authority of this Act is hereby made a lien against the property assessed, which lien shall attach on the first Monday in March in each year, and shall not be satisfied or removed until such tax has been paid. Said levy to cover the interest on the bonds issued under this Act; provided, that not more than five thousand dollars shall be collected any one year for such purposes.

SEC. 13. All moneys received from the United States government, or other sources, for the rent of such building, or any part thereof, shall be placed in the Capitol Interest Fund. It shall be the duty of the Territorial Treasurer to pay the interest on said bonds when the same falls due, out of the said Capitol Interest Fund, if sufficient, and if said fund be not sufficient, then to pay the deficiency out of the General Fund. All expenses of preparation, printing, advertising and sale of such bonds shall be paid out of the General Fund.

SEC. 14. All moneys paid out of the Capitol Building Fund, or the General Fund, as herein provided, shall be upon warrants drawn by the Territorial Auditor upon a certificate or certificates of the Capitol Grounds and Building Commission that the claim is just and has been incurred or contracted by them; provided, the Auditor may draw a warrant or warrants to pay interest on the said bonds, as it falls due, without such certificate.

SEC. 15. To provide for the ultimate payment and redemption of the bonds herein authorized, there shall be levied annually, beginning with the year 1915, such tax on all the taxable property in the Territory of Arizona, as will be sufficient to pay off annually ten thousand dollars of such bonds; such levy to be made at the same time and in the same manner as other Territorial tax levies are made; and the Territorial Auditor shall duly certify such levy to the Boards of Supervisors of the various counties of the Territory of Arizona, whose duty it shall be to see that such levies are duly made, assessed and collected as are other taxes for other Territorial purposes. Provided, that the levy herein made shall be used for this purpose and no other.

The tax so levied shall be a lien against the property assessed, and shall not be satisfied or removed until such tax has been paid.

SEC. 16. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 17. This Act shall take effect and be in force from and after its passage, and approval by the Congress of the United States.

FRED G. HUGHES,
President.

D. G. CHALMERS,
Speaker.

Approved this eighth day of March, 1897.

B. J. FRANKLIN,
Governor of Arizona.

No. 10.

AN ACT

Authorizing the Printing and Distribution of the Governor's Message.

Be it Enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That the Governor is hereby authorized and empowered to have 2000 copies of the Governor's Message printed and distributed.

SEC. 2. The sum of \$350.00 is hereby appropriated or as much thereof as is needed to pay for the printing of said message, the same to be let to the lowest responsible bidder.

SEC. 3. The Auditor of the Territory is hereby authorized to pay for said printing, after such claims have been approved by the Governor.

SEC. 4. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 5. This Act shall take effect and be in force from and after its passage.

FRED G. HUGHES,
President.

D. G. CHALMERS,
Speaker.

This bill having remained with the Governor ten days, Sundays excluded, and the Legislature having been in session during that time, became a law March 9th, A. D. 1897.

(SEAL)

CHARLES M. BRUCE,
Secretary of Arizona.

No. 11.

AN ACT

To amend Section 1 of Act No. 5, of the Acts of the Eighteenth Legislative Assembly of the Territory of Arizona.

Be it Enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That Section 1, of Act No. 5, of the Acts of the Eighteenth Legislative Assembly of the Territory of Arizona, be, and the same is hereby amended by adding the words, Provided, however, that the provisions of this Act, shall not be construed to prohibit the Enrolling and Engrossing Clerk from making such corrections in capitalization, spelling, form or punctuation that may be necessary for the proper

reading of any bill, but he must make no change which will alter its intent or meaning.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage and approval.

FRED G. HUGHES,
President of the Council.

D. G. CHALMERS,
Speaker of the House.

Approved this 11th day of March 1897.

B. J. FRANKLIN,
Governor.

No. 12.

AN ACT

Authorizing the Governor to Telegraph Council Memorial No. 3 to the President of the United States.

Be it Enacted by the Legislative Assembly of the Territory of Arizona :

That the Governor of Arizona be authorized to telegraph Council Memorial No 3. to the President of the United States. The Auditor shall draw a warrant to pay the expense of the telegram, and said warrant shall be paid out of any monies on hand in the general fund.

This Act shall take effect and be in force from and after its passage.

FRED G. HUGHES,
President of the Council.

D. G. CHALMERS,
Speaker of the House.

Approved this 11th day of March, 1897.

B. J. FRANKLIN,
Governor.

No. 13.

AN ACT

Authorizing and Directing the Payment of Certain Outstanding County Warrants, Issued by the Board of Supervisors of Pima County in the year 1884.

WHEREAS, the Board of Supervisors of the County of Pima, did on the 10th, 11th, 16th, 18th and 21st days of July, and on the first and 12th days of August, 1884, duly issue twenty

certain warrants upon the Treasurer of said County, in payment of certain legal demands against said Pima County, and numbered respectively, 20, 21, 22, 136, 137, 138, 141, 142, 144, 146, 152, 159, 162, 176, 184, 197, 201, 216, 221 and 227, amounting in the aggregate to the sum of \$1022.60; which said warrants were all duly presented to said Treasurer, and were not paid for the want of funds, and so indorsed by said Treasurer.

And Whereas, all of said warrants were duly assigned in blank by the respective holders thereof, to one Mary J. Safford, now deceased, and all of said warrants are now held and owned by the estate of the said Mary J. Safford, deceased, and remain wholly unpaid.

And whereas, all the outstanding and floating indebtedness of said Pima County was authorized to be funded by the provisions of an Act of the Territorial Legislature, approved March 2nd, 1887.

And Whereas, the Board of Supervisors of said County did, in pursuance of said Act of the Legislature, cause bonds to be issued and sold for the purpose of funding all of said indebtedness, including the warrants above described; and,

Whereas the Treasurer of said County did thereafter duly advertise for and call in all of said outstanding indebtedness, including the warrants above described, for the purpose of redeeming and paying the same, and did give notice that interest would cease on all of said indebtedness, on and after July 1st, 1887.

And whereas, the said above described warrants held by the estate of the said Mary J. Safford, deceased, were not presented under said call of said Treasurer for payment:

And whereas, that after the payment and funding of all of said outstanding warrants and indebtedness, except the warrants above described, there remained in the fund arising from the sale of said bonds, and known as the "County Special Fund," the sum of \$1258 17:

And whereas, the Board of Supervisors of said County, thereafter and in the year 1893, did, in pursuance of Act No. 6, of the Seventeenth Legislature of the Territory, approved March 6th, 1893, authorizing them so to do, transfer said \$1258.17 from said County Special Fund to the Expense Fund of said County:

And whereas, all said twenty warrants above described were thereafter and on the 25th day of October, 1895, duly presented to the Treasurer of said County for payment, and payment refused by said Treasurer:

And whereas all of said twenty warrants remained unpaid, and there is now no money in said County Special Fund

with which to pay the same and the interest thereon, and said warrants are just and equitable demands against said County of Pima; therefore,

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. The Board of Supervisors of the County of Pima are hereby authorized and directed to transfer from the County Expense Fund of said County of Pima to what was known as the "County Special Fund," sufficient money to pay the twenty warrants issued by said Board on the 10, 11, 16, 18, and 21st days of July, and the 1st and 12th days of August, 1884, and numbered respectively, 20, 21, 22, 136, 137, 138, 141, 142, 144, 146, 152, 159, 176, 184, 197, 201, 216, 221, and 227, amounting in the aggregate to the sum of \$1022.60, together with interest thereon at the rate of ten per cent per annum, from the date of their respective presentation to the Treasurer of said County for payment up to the first day of July, 1887

SEC. 2. The Treasurer of the County of Pima is hereby authorized and directed to pay each and all of the warrants specified and numbered in Section 1 of this Act, upon their presentation for payment, together with interest thereon as provided in said Section 1 out of the funds of what is known as the "County Special Fund," as soon as the Board of Supervisors of said County shall have transferred the money to said fund as authorized and directed in Section 1 of this Act.

SEC. 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in force from and after its approval.

FRED G. HUGHES,
President of the Council.

D. G. CHALMERS,
Speaker of the House.

This Bill having remained with the Governor ten days, Sundays excluded, and the Legislature having been in session during that time, became a law March 11, A. D. 1897.

CHARLES M. BRUCE,
Secretary of Arizona.

No. 14.

AN ACT

To Provide for the Printing of the Biennial Reports of Territorial Officials and Territorial Institutions.

Be it Enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. The Territorial Auditor, Territorial Treasurer,

Secretary of the Territorial Board of Control, Attorney General, Adjutant General, Superintendent of the Territorial Prison, Superintendent of the Territorial Asylum for the Insane, the Board of Regents of the Territorial University, the Superintendent of Public Instruction, and all other Territorial officials and institutions now existing or hereafter to be created, who and which are by law commanded or required to furnish annual or biennial reports, shall furnish a duplicate report to the Secretary of the Territory, biennially, within ten days after the last day of the year immediately preceding the legislative year in the Territory.

SEC. 2. It shall be the duty of the Secretary of the Territory to cause an advertisement to appear for fifteen days in a newspaper published in each county in the Territory, requesting bids for the printing of the reports provided for in Section 1 of this Act.

SEC. 3. The award for the printing of said reports shall be given to the lowest responsible bidder, who shall give a good and sufficient bond, equal in amount to the sum total of his bid, for the faithful performance of the contract awarded him.

SEC. 4. All bidders for the said contract shall have the privilege of being present at and during the opening of the bids, and the Secretary shall give to each bidder notice in writing of the time when the bids will be opened.

SEC. 5. The Secretary of the Territory shall supervise and pass upon the work of the contractor from the time the contract is awarded until the same is completed, delivered and accepted at the office of the Secretary.

SEC. 6. It shall be the duty of the Secretary to place upon the desk of the legislators a copy of each of the reports so provided for at as early a day as practicable after the opening of the legislative session.

SEC. 7. The Secretary of the Territory shall make a report in writing to the Legislature, accompanying the same with a copy of the advertisement, and bids, and vouchers and bills, for the work so performed.

SEC. 8. It shall not be lawful for any official of the Territory, or any private individual or firm, to print any of the reports herein provided for, in any manner contrary to the provisions of this Act.

SEC. 9. This Act shall take effect and be in force on and after July 1, 1897.

SEC. 10. All Acts and parts of Acts in conflict with this Act are hereby repealed.

FRED G. HUGHES,
President.

D. G. CHALMERS,
Speaker.

Approved March 12, 1897.

B. J. FRANKLIN,
Governor.

No. 15.

AN ACT

To Amend Act No. 47, Page 64 of the Session Laws of 1895 of the Territory of Arizona, concerning roads and highways.

Be it Enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That the words and figures, "two dollars (\$2.00)" in Sections 1 and 2 of Act No. 47 of the Session Laws of 1895 be and is hereby amended to read, *three dollars (\$3.00.)*

SEC. 2. This Act shall be in force from and after its passage.

SEC. 3. All Acts or parts of Acts in conflict with this Act are hereby repealed.

FRED G. HUGHES,
President.

D. G. CHALMERS,
Speaker.

Approved March 13th, 1897.

B. J. FRANKLIN,
Governor.

No. 16.

AN ACT

Making Appropriations for the Current and Contingency Expenses of the Civil Government of the Territory of Arizona for the two Years Ending on the Thirty-first day of December, 1896, and for other Purposes, in lieu of the Failure of the Eighteenth Legislative Assembly of the said Territory to make any Appropriations Therefor and for other purposes.

Be it Enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That, whereas, the Eighteenth Legislative Assembly of the Territory of Arizona failed to make any appropriation for the current and contingent expenses of the civil

government of the said Territory for the years 1895 and 1896; and,

Whereas, for the actual necessities of government, by the rule of the construction of law, that government should not stop etc., certain warrants for the maintenance of the civil government have been during these years, by sheer force of necessity, drawn on the General Fund in the Treasury; and,

Whereas, it now becomes necessary that a deficiency bill be passed by this the Nineteenth Legislative Assembly to supply the deficiency of the said failure of the said Eighteenth Legislative Assembly as aforesaid, for the purpose aforesaid;

Therefore, the following appropriations are hereby made for the maintenance of the said civil government of the said Territory of Arizona, and to pay the obligations of the same for the said years 1895 and 1896, to-wit:

1. To pay the salary of the Attorney General, two thousand dollars (\$2,000.00), to be paid during the years 1895 and 1896. He shall be allowed four hundred dollars (400.00) extra for printing briefs, transcripts, and for stationary, mileage, and other expenses, upon his verified itemized accounts for these years.

2. To pay the salary of the Auditor of the Territory, three thousand six hundred dollars (\$3,600.00), one thousand eight hundred dollars (\$1,800.00) to be paid during each of the years 1895 and 1896.

3. To pay the salary of the Citizen Member of the Board of Control, three thousand six hundred dollars (\$3,600.00), one thousand eight hundred dollars (\$1,800.00) to be paid during each of the years 1895 and 1896.

4. To pay the salary of the Territorial Treasurer, two thousand dollars (\$2,000.00), one thousand dollars to be paid during each of the years 1895 and 1896.

5. To pay the salary of the Superintendent of Public instruction, two thousand four hundred dollars (\$2,400.00), one thousand two hundred dollars (\$1,200.00) to be paid during each of the years 1895 and 1896.

6. To pay the salary of the Private Secretary to the Governor, twelve hundred dollars (\$1,200.00), during the years 1895 and 1896, upon the certificate of the Governor of the Territory, six hundred dollars (\$600.00) to be paid for each of these years.

7. To pay the salary of the Territorial Librarian, twelve hundred dollars (\$1,200.00), six hundred dollars (\$600.00) to

be paid during each of the years 1895 and 1896, such expenditure to be made upon the order of the Governor of the Territory.

8. To pay rent of the Territorial Library rooms, eight hundred dollars (\$800.00), four hundred dollars (\$400.00) to be paid during each of the years 1895 and 1896.

9. To pay the rent of the Governor's office, eight hundred dollars (\$800.00), four hundred dollars (\$400.00) to be paid during each of the years 1895 and 1896.

10. To pay the contingent expenses during the years 1895 and 1896, the sum of five thousand dollars (\$5,000.00), or so much thereof as has been contracted for by the Governor as rewards for the apprehension of criminals, or escaped patients of the Territorial Insane Asylum, and for other expenses incidental thereto; and for the printing of election and other proclamations. The Governor is hereby authorized and empowered to offer rewards, in his discretion, provided, that no reward offered or paid shall exceed five hundred dollars (\$500.00). He may in his discretion pay for services in arresting or pursuing criminals, or escaped patients, when in his judgment the public good will be promoted thereby.

11. To pay the insurance on the Territorial Library for the years 1895 and 1896, to be paid by the Secretary of the Territory, or so much thereof as he may deem necessary, the sum of seventy dollars.

12. To pay for the subscription to the Territorial newspapers, to be kept on file in the Territorial Library, three hundred dollars (\$300.00), the bills for which to be audited by the Territorial Auditor, and the warrants drawn on the Treasurer of the Territory, to be paid out of the General Fund, for each of the years 1895 and 1896.

13. That the sum of two thousand two hundred and forty-five dollars and forty-two cents (\$2,245.42) is hereby appropriated for the maintenance of the Capitol Grounds, one thousand one hundred and twenty-two dollars and seventy-one cents (\$1,122.71) to be paid during each of the years 1895 and 1896.

14. Six hundred dollars [\$600.00], to be paid during each of the years 1895 and 1896, for extra clerk hire in the Auditor's office. Five hundred dollars for purchasing furniture for the Governor's office and for carpeting the same.

15. To pay Frank Prothero ten dollars for four days service as Assistant Sergeant-at-arms.

16. Two hundred and ninety-five dollars [\$295.00], to re-

imburse Major R. Allyn Lewis for expenses incurred in making inspection of the various military companies of the National Guard of the Territory of Arizona during the year 1894.

17. That the office contingencies of the Governor of the Territory and for which, upon the order of the Governor, the Territorial Auditor shall draw his warrant upon the Territorial Treasurer, the sum of five hundred dollars [\$500.00], or so much thereof as may be necessary; two hundred and fifty dollars [\$250.00] for each of the years 1895 and 1896.

18. One hundred and seven dollars [\$107.00], to be paid to the History Company of San Francisco, California, for furnishing the Territorial Library with Bancroft's History.

19. Two hundred dollars [\$200.00] for the maintenance of the Territorial Museum during the years 1895 and 1896.

20. To pay to Charles D. Reppy for extra service as Chief Clerk of the House for 1895, the sum of one hundred and fifty dollars [\$150.00]; and to pay Charles F. Hoff for extra service as Chief Clerk of the Council for the session of 1895 the sum of one hundred and fifty dollars [\$150.00].

21. One hundred and fifty dollars, to be paid to Adjutant General Ed. Schwartz, to reimburse him for the sum paid out by him for the printing of the Adjutant General's report for the years 1893 and 1894, seventy-five dollars for each report.

22. Nine hundred dollars to be paid to George Goodfellow, to reimburse him for that sum paid out by him for expenses as Territorial Health Officer of the Territory of Arizona for 1892 and 1893 and for 1895 and 1896.

SEC. 2. This Act shall take effect and be in force from and after its passage.

SEC. 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

FRED G. HUGHES,
President of the Council.

D. G. CHALMERS,
Speaker of the House.

Approved this sixteenth day of March, A. D. 1897.

B. J. FRANKLIN,
Governor.

No. 17.

AN ACT

To Define the Crime of Homicide and to Provide Punishment Therefor; and to Repeal Paragraphs 276, 277, and 278, of Title III, Chapter 1, of the Penal Code of Arizona.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. Murder is the unlawful killing of a human being with malice aforethought. Such malice is expressed or implied. It is expressed when there is manifested a deliberate intention unlawfully to take away the life of a fellow creature. It is implied where no considerable provocation appears, or when the circumstances attending the killing show an abandoned and malignant heart.

SEC. 2. All murder which is perpetrated by means of poison or lying in wait, or by any other kind of willful, deliberate and premeditated killing or which is committed in the perpetration of or attempt to perpetrate arson, rape, robbery, burglary, or mayhem is murder of the first degree, and all other kinds of murder are of the second degree.

SEC. 3. Every person guilty of murder in the first degree shall suffer death or imprisonment in the Territorial Prison for life, at the discretion of the jury trying the same or, upon the plea of guilty, the court shall determine the same; and every person guilty of murder in the second degree is punishable by imprisonment in the Territorial Prison not less than ten years.

SEC. 4. Paragraphs 276 [Section 276,] 277 [Section 277,] 278 [Section 278,] of Title III, Chapter I, Entitled "Of Crimes against the Person" of the penal code of Arizona are hereby repealed.

SEC. 5. This Act shall take effect and be in force from and after its passage.

FRED G. HUGHES,
President of the Council.

D. G. CHALMERS,
Speaker of the House.

Approved March the sixteenth, 1897.

B. J. FRANKLIN,
Governor.

No. 18.

A BILL FOR

An Act Providing that Prosecutions for Obstructions of Public Highways may be Prosecuted as other Misdemeanors.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That all violations of Paragraph No. 2754 of the Revised Statutes of Arizona of 1887, as amended by Act No. 60 of the Fifteenth Legislature of the Territory of Arizona,

may be prosecuted before any Justice of the Peace residing within fifteen miles of the place where the offence was committed and within the same county.

SEC. 2. This shall repeal all Acts and parts of Acts in conflict herewith.

SEC. 3. This Act shall take effect from and after its passage and approval.

FRED G. HUGHES,
President of the Council.

D. G. CHALMERS,
Speaker of the House.

Approved this sixteenth day of March, A. D. 1897.

B. J. FRANKLIN,
Governor.

No. 19.

AN ACT

To amend Paragraph 704, of Section 56, Title XV., Chapter 6, of the Revised Statutes of Arizona Territory, relating to the Service of Summons.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. Paragraph 704, of Section 56, Title XV., Chapter 6, of the Revised Statutes of Arizona Territory is hereby amended so as to read as follows:

In suits against any corporation, incorporated under the laws of this Territory, or joint stock association, the summons may be served upon the President, Secretary or Treasurer of such corporation or joint stock association, or by leaving a copy of the same at the principal office thereof during office hours; and in suits against any corporation incorporated under the laws of any other State or Territory and doing business in this Territory, or having property therein, but having no legally appointed and constituted agent residing therein for the purpose of receiving service of process, service of summons may be had upon the superintendent, managing agent or other person having charge or control of the business or property of such corporation in the Territory or, service of such summons may be made by publication as prescribed in Paragraph 712, Section 64 of said Title and Chapter. In case there is a legally appointed and constituted agent of such corporation residing in the Territory for the purpose of receiving service of process, the summons must be served upon such agent. Service may be had upon any railroad, telegraph or express company doing business in the Territory by serving

the summons upon any agent of such company who resides in or may be found in the county where suit is brought.

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

FRED. G. HUGHES,
President of the Council.

D. G. CHALMERS,
Speaker of the House.

Approved this sixteenth day of March, A. D., 1897.

B. J. FRANKLIN,
Governor.

No. 20.

AN ACT

To Encourage the Construction of Railroads within the Territory of Arizona.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That, for the purpose of encouraging the building and construction of railroads within the Territory of Arizona, by any person or persons, association or corporation, all railroads, other than street or electric railroads, hereafter constructed in accordance with the provisions of this Act, shall be exempt from taxation of every kind, and description upon their franchises, right-of-way, road-beds, bridges, culverts, rolling stock, station grounds, depots, water-tanks, coal-bins, turntables, round-houses, machine-shops, section-houses, telegraph-lines, side-tracks, wyes, and all personal property, owned or used in the actual construction or operation of such railroad, or by its successors in interest or assigns, and the certificates of stock therein, for the period of fifteen years from the passage of this Act; provided, that any person or persons, association or corporation wishing to avail themselves of the provisions of this Act, shall file their intentions with the Secretary of the Territory, within six months after the passage of this Act, setting forth the initial and terminal points of such proposed railroad, and the probable length thereof, and shall commence the actual construction of such railroad within six months after the filing of such notice of intention, and continue such construction of such railroad at the rate of not less than twenty-five miles per annum until completed, or in lieu thereof, expend in the construction and building of such railroad the sum of not less than two hundred and fifty thousand dollars per annum.

SEC. 2. The benefits and exemption from taxation provided in Section 1 of this Act, shall extend and apply only to new railroads and branches thereof commenced and constructed after the passage of this Act, and shall not apply to any railroad that is not a public carrier and not built for public use, nor to any railroad not supplied with first-class accommodations for the traveling public, running not less than one train in each direction daily (Sundays excepted,) for the accommodation of passengers and freight, from or between terminal points, unless prevented from so doing by acts or causes beyond the power of the railroad company to control.

SEC. 3. As soon as any railroad constructed under the provisions of this Act is completed, the constructors or owners of said railroad shall notify the Supervisors of the county or counties through which said railroad is built, that such railroad is completed, when it shall be the duty of such Supervisors to appoint a competent civil engineer and the constructors or owners of said railroad shall likewise appoint a competent civil engineer who shall, together with the said civil engineer appointed by said Supervisors, appoint a third civil engineer; said civil engineers shall inspect such railroad within their respective counties, and if upon their report the road is declared to be completed, the Board of Supervisors shall declare said railroad open to the public; and such railroad and appurtenances as provided for in Section one of this Act, shall be exempt from taxation for the term of fifteen years.

SEC. 4. This Act shall take effect and be in force from and after its passage.

FRED G. HUGHES,
President of the Council.

D. G. CHALMERS,
Speaker of the House.

Approved this sixteenth day of March, 1897.

B. J. FRANKLIN,
Governor

No. 21.

AN ACT.

Relative to Recognizances, Stipulations, Bonds and Undertakings and to Allow Certain Corporations to be Accepted as Sureties Thereon.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. Whenever any recognizance, stipulation, bond, or undertaking conditioned for the faithful performance of any

duty, or for doing or refraining from doing, any thing in such recognizance, stipulation, bond or under-taking specified, is by the laws of the Territory of Arizona required or permitted to be given with one surety, or with two or more sureties, the execution of the same, or the guaranteeing of the performance of the condition thereof, shall be sufficient, when executed or guaranteed solely by a corporation incorporated under the laws of the United States, or of any State, having the power to guarantee the fidelity of persons holding positions of public or private trust, and to execute and guarantee bonds and undertakings in judicial proceedings: provided, that such recognizance, stipulation, bond or undertaking be approved by the court, judge, officer, board, or body executive, legislative or judicial, required to approve or accept the same. But no officer or person having the approval of any bond shall exact that it shall be furnished by a guarantee company or by any particular guarantee company.

SEC. 2. That no company shall do business under the provisions of this Act until it shall, by a written power of attorney, appoint some person residing within the Territory of Arizona, and who shall be a citizen of said Territory, as its agent, upon who may be served all lawful processes against such company and who shall be authorized to enter an appearance in its behalf. A copy of such power of attorney, duly certified and authenticated, shall be filed with the Secretary of the Territory and with the County Recorder of each county wherein such company shall carry on its business, which copy, or a certified copy thereof, shall be legal evidence in all controversies arising under this Act. If any such agent shall be removed, resign, or die, become insane, be absent from the Territory or shall be otherwise incapable of acting, it shall be the duty of such company to appoint another agent in his place, as hereinbefore prescribed, and until such appointment shall have been made, or during the absence of any agent of such company from the Territory, service of process may be upon the Clerk of the Court wherein such suit is brought, with like effect as upon an agent appointed by the Company. The officer executing such process upon such clerk shall immediately transmit a copy thereof, by mail, to the Company, and state such fact in his return. A judgment, decree or order of court, entered or made after service of process as aforesaid, shall be as valid and binding as if served with process in the county where suit is brought.

SEC. 3. That every company, before transacting any business under this Act, shall deposit with the Governor of the Territory an authenticated copy of its charter or articles of incorporation and a statement, signed and sworn to by its president and secretary, showing its assets and liabilities. If the

said Governor shall be satisfied that such company has authority under its charter or articles of incorporation to do the business provided for in this Act, and that it has a paid up capital of not less than one hundred thousand dollars, in cash or its equivalent, and is able to keep and perform its contracts, he shall grant authority in writing to such company to do business under this Act.

SEC. 4. That every such company shall, in the months of January, April, July and October of each year, file with the said Governor a statement, signed and sworn to by its president and secretary, showing its assets and liabilities, as is required by Section 3 of this Act, and the said Governor shall have the power, and it shall be his duty, to revoke the authority of any such company to transact any new business under this Act, whenever in his judgment such company is not solvent, or is conducting its business in violation of this Act. He may institute inquiry at any time into the solvency of such company, and whenever he deems such company no longer sufficient surety, he shall give written notice of that fact to such company, by mail, addressed to it at its principal place of business in this Territory, and shall also publish a notice to that effect in some newspaper published at Phoenix, Arizona, which notice shall be published for a period of at least thirty days, and upon the publication of such notice, additional security shall, by the judge, court, officer or board having authority or jurisdiction in the premises, be required to be given by any principal whose recognizance, bond or undertaking has been guaranteed by such company, or upon whose recognizance, bond or undertaking such company is a surety.

SEC. 5. That any surety company doing business under the provisions of this Act may be sued in respect thereof in any court of the Territory of Arizona which has now, or hereafter may have jurisdiction of actions or suits upon such recognizances, stipulations, bonds or undertakings, in the county where such recognizance, stipulation, bond or undertaking was made or guaranteed, or in the county wherein the principal office of such company is located. And for the purposes of this Act such recognizance, stipulation, bond or undertaking shall be treated as made or guaranteed in the county in which the office is located, or in which it is filed, or in the county in which the principal in such recognizance, stipulation, bond or undertaking resided when it was made or guaranteed.

SEC. 6. That if any such company shall neglect or refuse to pay any final judgment or decree rendered against it upon any such recognizance, stipulation, bond or undertaking made or guaranteed by it under the provisions of this Act, from which no appeal, writ of error, or supersedeas has been taken,

for thirty days from the rendition of such judgment or decree, it shall forfeit all right to do business under this Act.

SEC. 7. That any company which shall execute or guarantee any recognizance, stipulation, bond or undertaking under the provisions of this Act shall be estopped in any proceeding to enforce the liability which it shall have assumed to incur to deny its corporate power, to execute or guarantee such instrument, or assume such liability.

SEC. 8. That any company doing business under the provisions of this Act, which shall fail to comply with any of its provisions, shall forfeit to the Territory of Arizona, for every such failure, not less than five hundred dollars, or not more than five thousand dollars, to be recovered by suit in the name of the Territory of Arizona in the same courts in which suit may be brought against such company under the provisions of this Act, and such failure shall not affect the validity of any contract entered into by such company.

SEC. 9. That from and after the passage of this Act, the surety, or the representative of any surety, upon the bond of any trustee, committee, guardian, assignee, receiver, executor, or administrator, or other fiduciary, may apply by petition to the court wherein said bond is directed to be filed or which may have jurisdiction of such trustee, committee, guardian, assignee, receiver, executor, or administrator praying to be relieved from further liability as such surety for the acts or omissions of the trustee, committee, guardian, assignee, receiver, executor, or administrator or other fiduciary, which may occur after the date of the order relieving such surety, to be granted as herein provided for, and to require such trustee, committee, guardian, assignee, receiver, executor, or administrator or other fiduciary, to show cause why he should not account and said surety be relieved from such further liability as aforesaid, and said principal be required to give a new bond; and thereupon, upon filing of said petition, said court shall issue such order, returnable at such time and place and to be served in such manner as said court shall direct, and may restrain such trustee, guardian, committee, assignee, receiver, executor, or administrator, or other fiduciary, from acting, excepting in such manner as it may direct, to preserve the trust estate; and upon the return of such order, to show cause if the principal in the bond, account in due form of law and file a new bond, duly approved, then said court must make an order releasing said surety, filing the petition, as aforesaid, from liability upon the bond for any subsequent act or default of the principal; and in default of said principal, thus accounting and filing such new bond, said court shall make an order directing such trustee, committee, guardian, assignee, receiver, executor, or adminis-

trator, or fiduciary, to account in due form of law, within thirty days, and that if the trust fund or estate shall be found, or made good and paid over, or properly secured, such sureties shall be discharged from any and all further liability as such for the subsequent acts or omissions of the trustee, committee, guardian, assignee, receiver, executor, or administrator, or fiduciary, after the date of such surety being so relieved or discharged and discharging such trustee, committee, guardian, assignee, receiver, executor, or administrator, or fiduciary.

SEC. 10. Provided, that, the said guarantee or its agents shall first file with the aforesaid trustee, committee, guardian, assignee, receiver, executor, or administrator, or other fiduciary, a statement giving his or their reasons for withdrawal from any bond.

SEC. 11. That it shall be lawful for any receiver, assignee, guardian, trustee, committee, executor, administrator, curator, or other fiduciary, or party of whom a bond, undertaking or other obligation is required, to agree and arrange with his surety or sureties, for the deposit for safe keeping of any or all money, assets and other property for which he is, or may be responsible, with the bank, savings bank, safe deposit, or trust company authorized by law to do business as such, and in such manner as to prevent the withdrawal or alienation of such money, assets or other property, or any part thereof, without the written consent of such surety, or sureties, or an order of the court, or a judge thereof, made on such notice to such surety or sureties as the court or judge may direct.

SEC. 12. That any receiver, assignee, guardian, trustee, committee, executor, administrator, or curator, or other fiduciary, required by law or the order of any court or judge, to give a bond or other obligation as such, may include as a part of the lawful expense of executing his trust such reasonable sums paid a company authorized under the laws of this Territory to do so, for becoming his surety on such bond as may be allowed by the court in which, or a judge before whom, he is required to account, not exceeding one per centum per annum on the amount of such bond. And in all actions and proceedings a party entitled to recover disbursements therein shall be allowed and may tax and recover such sum paid such a company for executing any bond, recognizance, undertaking, stipulation, or other obligation therein, not exceeding, however, one per cent on the amount of the liability upon such bond, recognizance, undertaking, stipulation or other obligation, during each year the same has been in force.

SEC. 13. Provided, further, that any corporation hereinbe-

fore or hereafter organized and existing under and by virtue of the laws of the Territory of Arizona, having by its charter or articles of incorporation, the power or authority to sign bonds, or become surety, on any other instruments of indemnity, shall have the same legal rights, and be subject to the same legal liabilities, and all their acts shall be of the same force and effect under this Act as foreign corporations.

SEC. 14. All Acts and parts of Acts in conflict with the the provisions of this Act are hereby repealed.

SEC. 15. This Act shall take effect and be in force from and after its passage.

FRED G. HUGHES,
President of the Council.

D. G. CHALMERS,
Speaker of the House

Approved March the sixteenth, 1897.

B. J. FRANKLIN,
Governor.

No. 22.

AN ACT

Governing the Decisions of Courts of Record, in Trials of
Issues of Fact by the Court.

*Be it enacted by the Legislative Assembly of the Territory of
Arizona:*

SECTION 1. That in all cases where a trial of an issue of fact is held by the Courts of Record of the Territory, the decision of the Court shall be in writing, and filed with the Clerk, within thirty days after the trial takes place. In giving the decision, the facts found and the conclusions of law shall be separately stated. Judgment upon the decision shall be entered accordingly.

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed and this Act shall take effect and be in force from and after its passage.

FRED G. HUGHES,
President of the Council.

D. G. CHALMERS,
Speaker of the House.

Approved March the sixteenth, 1897.

B. J. FRANKLIN,
Governor.

No. 23.

AN ACT

To provide for Answers Under Oath in Certain Cases.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. In all cases where equitable relief is prayed for, if the party asking for such relief, or his agent or attorney, shall make oath that the allegations of the complaint or cross-complaint are true in substance and in fact, unless the oath be waived in the complaint, the answer of the opposite party shall be under oath, and each one of the material allegations of the complaint which is not denied under oath shall be taken as confessed.

SEC. All Acts and parts of Acts in conflict with this Act are hereby repealed, and this Act shall take effect from and after its passage and approval.

FRED G. HUGHES,
President of the Council

D. G. CHALMERS,
Speaker of the House

Approved this sixteenth day of March, 1897.

B. J. FRANKLIN,
Governor.

No. 24.

AN ACT

Amending Act No. 51 of the Eighteenth Legislative Assembly.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. Paragraph 4 of Section 2 of Act 51, Page 69 of the Session Laws of 1895, entitled "An Act Classifying the Counties of the Territory and Fixing the Compensation of the Officers Therein," be and the same is hereby amended so as to read as follows:

SEC. 2. In counties of the first and second classes an Assessor shall be elected at the same time and in the same manner as other county officers, whose term of office shall be two years or until his successor shall have been elected and qualified. In counties of the first class the Assessor shall receive an annual salary of two thousand dollars. In second class counties the Assessor shall receive an annual salary of twelve hundred dollars. In counties of the third, fourth, fifth and sixth classes the Sheriff shall be ex-officio Assessor. In third class counties the Sheriff shall receive as ex-officio Coun-

ty Assessor the sum of eight hundred dollars per annum; in fourth class counties the Sheriff shall receive as ex-officio County Assessor the sum of six hundred dollars per annum. In fifth class counties the Sheriff shall receive as ex-officio Assessor five hundred dollars per annum. In sixth class counties the Sheriff shall receive as ex-officio Assessor five hundred dollars per annum, to be paid quarterly.

SEC. 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after January 1, 1899.

FRED G. HUGHES,
President.

D. G. CHALMERS,
Speaker.

Approved, March the sixteenth, 1897.

B. J. FRANKLIN,
Governor of Arizona.

No. 25.

AN ACT

To Establish a Home for the Insane near Flagstaff, Coconino County, Arizona.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. There is hereby established and located near Flagstaff, Coconino County, Arizona, a Territorial Institution, to be known as the "Home for the Insane."

SEC. 2. The tract of land now held in fee simple by the Territory of Arizona, located near Flagstaff, Coconino County, being about one hundred and thirty acres of Section Twenty-one [21] in Township Twenty one [21], North Range Seven East, Gila and Salt River Meridian, secured by virtue of Act Number 81 of the 17th Legislature, and the building located on said land, now under construction, heretofore known as the Reform School, shall be devoted to the uses and purposes of the Home for the Insane.

SEC. 3. The Territorial Board of Control, created by Act No. 19 of the 18th Legislature of Arizona, is hereby charged with the completion of the building and the laying out of the grounds described in Section 2 of this Act, in such a manner as will best adapt them to the purposes of the institution herein established.

SEC. 4. Said building and grounds shall constitute the

Home for the Insane, and shall be devoted to the uses and purposes of the institution herein established for such persons as may in the discretion of the Superintendent or Territorial Board of Control, be committed thereto.

SEC. 5. The Superintendent of the Insane Asylum now located in Maricopa County shall be ex-officio Superintendent of the Home for the Insane. He is hereby vested with the same powers and authority in relation thereto, as he now has in relation to the Insane Asylum in Maricopa County; and he is hereby empowered to direct the Probate Courts of the respective counties of the Territory, or such other courts as may by law have jurisdiction in such matters, to commit persons adjudged insane, either to the Insane Asylum in Maricopa County, or to the Home for the Insane in Coconino County, as he may deem best; and he may, in the interest of humanity or economy transfer patients from one institution to the other.

SEC. 6. After completion or occupancy of the Home for the Insane, the cost of maintenance and also the transfer of patients as provided in Section 5 of this Act, shall be paid out of the Territorial Fund known as the Insane Asylum Fund, in the same manner and to the same extent as is now provided by law for the maintenance of the Insane Asylum in Maricopa County.

SEC. 7. The Territorial Treasurer is hereby authorized and directed to transfer all moneys now in the Reform School Fund, and all moneys that may have accrued or may hereafter accrue to said fund, by virtue of Act No. 64 of the Eighteenth Legislature of Arizona, and of any Act of the Nineteenth Legislature of Arizona, to the Home for the Insane Fund.

SEC. 8. The Territorial Board of Control is authorized and directed to expend so much of the money of the Home for the Insane Fund as may be necessary for the erection, completion and maintenance of said Home for the Insane.

SEC. 9. The Territorial Auditor is hereby authorized and directed to draw his warrant on the Territorial Treasurer for all claims approved and allowed by the Territorial Board of Control under the provisions of this Act. For the completion and maintenance of said Home for the Insane, the Territorial Treasurer is hereby authorized and directed to pay said warrants out of any money in the Home for the Insane Fund; and for the continued maintenance, out of any money in the Insane Asylum Fund.

SEC. 10. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 11. This Act shall take effect and be in force from and after its passage.

FRED G. HUGHES,
President of the Council.

D. G. CHALMERS,
Speaker of the House.

Approved March the sixteenth, 1897.

B. J. FRANKLIN,
Governor.

No. 26.

AN ACT

Making an Apppropriation for John Dobbs.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That the sum of six hundred dollars is hereby appropriated for the relief of Jonn Dobbs, who was wounded by Apaches on the 26th day of Februaay, 1872, and thus rendered helpless, to be paid quarterly, in sums of seventy-five dollars per quarter, for the years 1897 and 1898, That the Territorial Auditor is hereby authorized and directed to draw his warrants for the said sum, above mentioned, and set forth, upon any sums not otherwise appropriated, or upon the General Fund of the Territory.

SEC. 2. This Act shall take effect and be in force from and after its passage.

FRED G. HUGHES,
President of the Council.

D. G. CHALMERS,
Speaker of the House.

This bill having remained with the Governor ten days, Sundays excluded, and the Legislature having been in session during that time. became a law March 16th, A. D. 1897.

(SEAL)

CHARLES M. BRUCE,
Secretary of Arizona.

No. 27.

AN ACT

To Amend Section 11 of an Act Entitled "An Act Constituting the Territorial Auditor Ex-Officio Bank Comptroller and Prescribing His Duties and Powers," Being Act No. 88 of the Seventeenth Legislature of Arizona.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. Section 11 of Act No. 88 of the Seventeenth

Legislature of the Territory of Arizona is hereby amended by adding thereto the following: "Provided, that said Bank Comptroller, or the expert appointed by him, shall, in no instance, collect as traveling expenses to any point, from any institution more than its fair porportion of such traveling expenses from the last point at which such Comptroller or expert charged, levied or collected such traveling expenses, and where there are, at the same place, two or more institutions visited, the expense shall be pro-rated among them in proportion to the business done by each; and any violation of the provisions of this Act shall constitute a misdemeanor.

SEC. 2. All Acts in conflict herewith are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

FRED G. HUGHES,
President of the Council.

D. G. CHALMERS,
Speaker of the House.

Approved March the sixteenth, 1897.

B. J. FRANKLIN,
Governor.

No. 28,

AN ACT

To Amend an Act entitled: "An Act authorizing Railroad Companies to Construct and Extend their lines of Railroad into or through other Territories or States, and to Purchase or Lease other Railroads, and to Sell and Lease Railroads:" Approved February 8th, 1897.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That Section 1 of an Act entitled "An Act authorizing Railroad Companies to Construct and Extend their lines of Railroad into or through other Territories or States, and to Purchase or Lease other Railroads, and to Sell and Lease Railroads," be and the same is hereby amended to read as follows:

SEC. 1. That any railroad company now or hereafter existing under the laws of this Territory may construct and extend its line of railroad into or through any other Territory or State, upon such terms and regulations as may be prescribed by the laws of such Territory or State, and any such railroad company may purchase or lease the railroad constructed or to be constructed, and other property of any railroad company now or hereafter existing under the laws of this Territory, or any

other Territory or State, with all the rights, privileges or franchises thereto appertaining, or may buy the stock and bonds, or either, of any such company; and any railroad company now or hereafter existing under the laws of this Territory, may, with the consent of the holders of two-thirds of its entire capital stock, given by a vote at a meeting, or in writing without a meeting, sell or lease its railroad, franchises and appurtenances to any railroad corporation organized under the laws of this Territory, or of any other Territory or State; provided, however, that no purchase or lease under this Act shall be entered into, unless the line of railroad so purchased or leased, or the railroad of the company whose stock shall be purchased, shall, when constructed, form a branch of, or a continuous line with, the railroad of such purchasing company, either by direct connection therewith, or through an intermediate line or lines, constructed or to be constructed, which such first mentioned railroad company shall own, lease or have the right by contract or otherwise, to use or operate: Provided that upon the purchase of any railroad under the provisions of this Act, the corporation purchasing the same shall assume all the debts, liabilities and obligations existing at the time of the purchase against the railroad so purchased: provided, also, that when a railroad is purchased under or by virtue of any sale under an execution or by virtue of any decree of any court, such purchase shall be subject to such obligations as may be provided for by the judgment or decree of the court, and no other.

SEC. 2. Whenever any railroad or part thereof, situate in this Territory, or any railroad corporation organized under the laws of the United States, or of any State or Territory, or of this Territory, shall be sold by virtue of a judgment or decree of any court, or by virtue of any execution issued upon any judgment, such railroad or part thereof, together with any lands or other property, franchises, rights, immunities, exemptions and powers of such railroad company may be purchased at such sale, or from the immediate purchasers at such sale, by any corporation of this Territory, or of any other State or Territory, or of the United States, which may be authorized by its charter or by the laws of such State or Territory or the United States, to purchase or acquire such, or similar property, and such purchasing corporation shall thereupon become vested with all the property purchased, together with all the franchises, rights, immunities, exemptions and powers belonging, or appertaining thereto or to the corporation whose railroad or other property may be purchased, and shall have all the rights, franchises, powers, and immunities which are now given or which may be hereafter given to railroad companies organized under the laws of this Territory, save and except only the exemption from taxation which now exists or may

hereafter be given under existing or future exemption laws of this Territory in reference to inducing the building of new railroads.

SEC. 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after the date of its passage.

FRED. G. HUGHES,
President.

D. G. CHALMERS,
Speaker.

Approved March the sixteenth, 1897.

B. J. FRANKLIN,
Governor of Arizona.

No. 29.

AN ACT

To Amend Paragraph 359 (Sec. 5) and Paragraph 362 (Sec. 8) Chapter I, Title XIII of the Revised Statutes of Arizona, Approved March 9, 1887.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That, the words "On said boundary line due east from the head of Black River, being the northeast corner of Graham County, thence due west to the head of Black River," be stricken out from said Paragraph 359 (Sec. 5), and the following words inserted in their stead: "Where the First Standard parallel North intersects said boundary line, being the northeast corner of Graham County; thence, due west to Black River."

SEC. 2. That, the words "To its head," found in Paragraph 362, (Sec. 8), be stricken out and the words "To the First Standard Parallel North," be inserted in their place.

SEC. 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after its passage.

FRED G. HUGHES,
President.

D. G. CHALMERS,
Speaker.

Approved March seventeenth, 1897.

B. J. FRANKLIN,
Governor of Arizona.

No. 30. AN ACT

Providing for a County Road Inspector.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That the Boards of Supervisors of the several counties of this Territory shall have the power (when they deem it for the best interests of the county) to appoint a County Road Inspector.

SEC. 2. It shall be the duty of said County Road Inspector, when so directed by the Board of Supervisors, to inspect any or all of the public roads in the county, to suggest any repairs, alterations or changes in said roads, and make and furnish to said Board an estimate of the cost of the same, to advertise for bids for the repairs, changes or alterations of the same, as is now provided by law, and when so directed by the Board, shall inspect any or all work done on the public roads by contract, or otherwise, and report to the Board the conditions of the same as to whether it has been done and completed as required, by contract or otherwise, and to do and perform any and all work in connection with the public roads of the county that may be required of him by the Board of Supervisors.

SEC. 3. That the said County Road Inspector shall receive in payment of his services such sum as the Board of Supervisors may allow, not to exceed the sum of five dollars (\$5.00) per diem and fifteen cents (15c) per mile for each mile actually traveled in performing such services.

SEC. 4. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 5. This Act shall take effect and be in force from and after its passage.

FRED. G. HUGHES,
President

D. G. CHALMERS,
Speaker

Approved March seventeenth, 1897.

B. J. FRANKLIN,
Governor.

No. 31.

AN ACT

Creating a Road Fund for the Counties of the First Class.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That in all counties of the first class in this Territory having Road Fund warrants outstanding, unpaid, the Board of Supervisors may levy a property tax not exceeding fifty cents (50c.) on each one hundred dollars [\$100.00] valuation of real and personal property, to be levied and collected at the same time and the same manner as the other property taxes are levied and collected, and the property tax thus levied and collected shall be paid into the County Treasury.

SEC. 2. The County Treasurer shall place fifty per cent (50 per cent.) of the money so collected in a fund to be known as the Road Warrant Redemption Fund. Whenever the money in said Road Warrant Redemption Fund amounts to five hundred dollars [\$500.00] he shall advertise for the surrender, and redemption of outstanding warrants in the order of their issuance and shall pay the same.

SEC. 3. The balance of the money so collected shall be placed by the County Treasurer in the Road Fund, and he shall pay out the same on the Road Fund Warrants issued by the Board of Supervisors as is now provided by law; provided, that no warrant be drawn and no claim allowed on the Road Fund unless there shall be, at the time, money in the fund to pay the same.

SEC. 4. Whenever all outstanding Road Warrants are paid the Board of Supervisors shall not levy more than twenty-five cents [25c.] on each one hundred dollars [\$100.00] valuation of all real and personal property and the Road Warrant Redemption Fund shall be discontinued.

SEC. 5. That all Acts and parts of Acts, in conflict with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall take effect and be in force from and after its passage.

FRED G. HUGHES,
President.

D. G. CHALMERS,
Speaker.

Approved March seventeenth, 1897.

B. J. FRANKLIN,
Governor.

No. 32.

AN ACT

To Provide for the Appointment of Commissioners for the Promotion of Uniformity of Legislation in the United States.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. Within thirty days after the passage of this Act, the Governor shall appoint, by and with the consent of the Council, three Commissioners, who are hereby constituted a Board of Commissioners by the name and style of "Commissioners for the Promotion of Uniformity of Legislation in the United States." It shall be the duty of said Board to examine the subjects of Marriage, Divorce, Insolvency, the form of Notarial Certificates and other subjects, to ascertain the best means to effect an assimilation and uniformity in the laws of the States and Territories, and especially to consider whether it would be wise and practicable for the Territory of Arizona to invite the other States and Territories of the Union to send representatives to a convention to draft uniform laws to be submitted for the approval and adoption of the several States and Territories, and to devise and recommend such other course of action as shall best accomplish the purpose of this Act.

SEC. 2. No member of said Board shall receive any compensation for his services as Commissioner. In case any of the persons so appointed as above will not undertake the office of this Commission or in case of a vacancy on said Board, such vacancy shall be filled by the Governor.

SEC. 3. Said Board shall report to the Legislature at its next session, and from time to time thereafter as said Board may deem proper, an account of its transactions and its advice and recommendations, as required by Section One of this Act.

SEC. 4. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 5. This Act shall take effect and be in force from and after its passage.

FRED G. HUGHES,
President of the Council.

D. G. CHALMERS,
Speaker of the House.

Approved March the seventeenth, 1897.

B. J. FRANKLIN,
Governor.

No. 33.

AN ACT

To Regulate the Collection of Taxes upon Transient Herds of
Sheep and Goats.

*Be it enacted by the Legislative Assembly of the Territory of
Arizona:*

SECTION 1. Transient herds of sheep and goats shall be assessed, and the taxes shall be collected, in the counties where the owners reside, but it shall be the duty of such owner to report, under oath, to the County Treasurer, of what length of time, if any, his sheep have been outside the county during the year, and the length of time they have been in another county or counties of the Territory—naming such county or counties—; whereupon the Treasurer shall transmit to the Treasurer of such county or counties the proportion of the amount of tax collected that corresponds to the time the herd was in such county or counties, less five per cent for collection; provided, however, that transient herds of sheep or goats owned and grazed in the Territory of Arizona by non-residents shall be assessed in the county in which they are found.

SEC. 2. All Acts or parts of Acts in conflict with this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

FRED G. HUGHES,
President.

D. G. CHALMERS,
Speaker.

Approved this sixteenth day of March, A. D. 1897.

B. J. FRANKLIN,
Governor of Arizona.

No. 34.

AN ACT

To Amend Section 5, of Act No. 77, of the Seventeenth Legislative Assembly of the Territory of Arizona, Approved April 12th, 1893.

*Be it enacted by the Legislative Assembly of the Territory of
Arizona:*

SECTION 1. That Section 5, of Act No. 77, passed by the Seventeenth Legislative Assembly of the Territory of Arizona, and approved April 12th, 1893, be and the same is hereby amended to read as follows:

Any person who shall in this Territory, between the first day

of September and the first day of June thereafter, take, catch or procure any of the brook or mountain trout, or who shall at any time sell or offer for sale any of the brook or mountain trout procured from any of the streams or lakes of this Territory, is guilty of misdemeanor. The provisions of this Paragraph shall not be construed as applying to the rights of individuals over private lakes, ponds or pools.

SEC. 2. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

FRED G. HUGHES,
President of the Council.

D. G. CHALMERS,
Speaker of the House.

Approved March seventeenth, 1897.

B. J. FRANKLIN,
Governor.

No. 35.

AN ACT

Providing further duties for Tax Collectors.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION. 1. That in making the delinquent list of taxes for any year or in making copy thereof for publication, the Tax Collector of the several counties shall have the power, by and with the advice and consent of the District Attorney of such county in writing, to refer back to the original equalized assessment roll, and to supply in such delinquent list any error or omission which has occurred in making the duplicate assessment roll, provided, however, that this act shall not authorize such Tax Collector to change or supply in such delinquent list or copy thereof for publication, any valuation, description or any material matter which does not appear upon such original equalized assessment roll.

SEC. 2. This Act shall take effect and be in force from and after its passage, and all acts and parts of acts in conflict herewith are hereby repealed.

D. G. CHALMERS,
Speaker

FRED G. HUGHES,
President

Approved this 13th day of February, 1897.

B. J. FRANKLIN,
Governor.

No. 36.

AN ACT

Authorizing and directing the County Treasurer of Yuma County, Arizona Territory, to Pay Warrant No. 1 upon the Contingent Fund of said Yuma County, issued on the 6th day of January, A. D. 1887, for \$315.16.

WHEREAS, a certain Warrant No. 1 dated January 6, 1887, upon the Contingent Fund of Yuma County, Arizona, was issued to Isaac Lyons for purchased account from A. Romero for board of county prisoners, and was duly signed by the Chairman and Clerk of the Board of Supervisors of the County of Yuma, in said Territory; and,

Whereas, the said Warrant was on the 8th day of January, 1887, presented to A. E. De Corse, the then Treasurer of Yuma County, for payment and was not paid for want of funds, as appears by the said A. E. De Corse's endorsement on said warrant; and,

Whereas, the said warrant has never been paid, nor any part thereof, and is a just and valid claim against the County of Yuma in the Territory of Arizona; and.

Whereas, the lawful rate of interest being fixed at seven per cent. per annum.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That the County Treasurer of the County of Yuma in the Territory of Arizona be and is hereby authorized and directed to pay to Isaac Lyons or his assigns out of the General Fund of said Yuma County the said Warrant No. 1, on the Contingent Fund of said County, dated January 6, 1887, and drawn for the sum of \$315.16 in favor of Isaac Lyons. And interest on the same from the 8th day of January, 1887, until the 10th day of February, A. D., 1893, at the rate of 7 per cent. per annum.

SEC. 2. This Act shall take effect and be in force from and after its passage.

SECTION 3. All Acts and parts of Acts in conflict with this Act, in so far only as they may apply to the above mentioned warrant, are herein repealed.

FRED G. HUGHES,
President of the Council.

D. G. CHALMERS,
Speaker of the House.

Approved this seventeenth day of March, A. D. 1897.

B. J. FRANKLIN,
Governor of Arizona.

No. 37.

AN ACT

To Amend Section Six (6) of Act Sixty-Eight (68) of the Seventeenth (17) Legislative Assembly of Arizona Territory.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. That Section Six (6) of Act No. Sixty-Eight (68) of the Seventeenth Legislative Assembly of Arizona, be and the same is hereby amended by adding to said Section, after the word "misdemeanor" in the last line of said Section, "and forfeit all winnings in such contest."

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act, being deemed of immediate importance, shall take effect and be in force from and after its passage and approval.

FRED G. HUGHES,
President of the Council.

D. G. CHALMERS,
Speaker of the House.

Approved, March seventeenth, 1897.

B. J. FRANKLIN,
Governor of Arizona.

No. 38.

AN ACT

To amend Section 13 of Article No. 8, of an Act passed by the 13th Legislature of the Territory of Arizona, and entitled "An Act Relating to the Incorporation of Towns, Villages and Cities of a Population of Five Hundred or more."

Be it enacted by the Legislative Assembly of the Territory of Arizona:

That Section 13 of Article No. 8, of Act No. 72 Relating to the Incorporation of Towns, Villages and Cities of a population of Five Hundred or more, approved April 12th, 1893, be and the same is hereby amended to read as follows:

SECTION 1. Any Village, Town or City, heretofore incorporated by special Act of the Legislative Assembly, also all other like Villages, Towns and Cities now existing, desiring to be incorporated under this Act, may upon petition of a majority of the taxable inhabitants thereof to the Board of County Supervisors of the County wherein such Village, Town or City is situated, by order of the Board of County Supervisors, be disincorporated and re-incorporated under this Act and its

amendments, by whatever corporate name such petition may designate. In such case the officers of such Village, Town or City, at the date of the said disincorporation, shall turn over to the officers of such Village, Town or City so incorporated hereunder, all books, papers, records, money and other property pertaining to such Village, Town or City so disincorporated, and the Village, Town or City incorporated hereunder, shall be liable for all debts and liabilities of the Village, Town or City so disincorporated, and shall be entitled to receive all property and rights of action belonging to the disincorporated Village, Town or City; Provided, that the re-incorporation of any such corporation under this Act, shall not affect or change any title to any property or rights therein being, nor any tax levy that may have been made, or outstanding certificates of taxes now being, and that such new corporations may issue all necessary title papers under tax sales, or other sales, the same as the said corporations can do now under existing laws; and Provided further that the ordinances and resolutions existing in said Village, Town or City at the time such petition is filed shall continue and be in force for sixty (60) days thereafter, unless repealed or changed by the proper authorities of the corporation re-incorporated.

SEC. 2. That all Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

FRED G. HUGHES,
President of the Council.

D. G. CHALMERS,
Speaker of the House.

Approved March seventeenth, 1897.

B. J. FRANKLIN,
Governor.

No. 39.

AN ACT

Authorizing Courts to Remit from the Sentence of a person Convicted of Crime the Time He has been in Custody prior to His Trial and Conviction.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. When a person charged with any crime is committed to jail by a committing magistrate to await the action of the trial court in which said crime is triable shall be unable to furnish bail for his appearance at the same, and shall for that reason remain in custody for a period of sixty days or

over, upon his conviction, the court may, in its discretion, remit from the sentence imposed upon said person the time he has been so confined and imprisoned previous to his trial and conviction; provided, that any person who has furnished bail, and been at liberty under such bail, shall not be entitled to the exemption provided in this Act for the time he has been at liberty under such bail, but shall only apply to persons who have been actually confined.

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage and approval.

FRED G. HUGHES,
President.

D. G. CHALMERS,
Speaker.

This bill having remained with the Governor ten days, Sundays excluded, and the Legislature having been in session during that time, became a law March 17th, 1897.

CHARLES M. BRUCE,
Secretary of Arizona.

No. 40.

AN ACT

For the Relief of C. H. Gray, M. B. Flieshman and C. R. Hakes.

WHEREAS, C. H. Gray, M. B. Flieshman, and C. R. Hakes held the office of Directors of the Insane Asylum of Arizona, from the 22nd day of March, 1889, to the 27th day of May, 1890, and during the whole of said period, they, and each of them attended to and discharged all the duties pertaining to said office, and were in actual attendance at the meetings of said Board of Directors, transacting the business of said Board, and managing the affairs of said Insane Asylum, of which institution they had the actual and absolute control, and,

WHEREAS, During said period of time the said C. H. Gray, M. B. Flieshman and C. R. Hakes attended the meetings of the said Board of Directors, and transacted the business of said Board and said Insane Asylum, the following number of days, respectively, viz: The said C. H. Gray, twelve days; the said M. B. Flieshman, eighteen days; and the said C. R. Hakes, eighteen days; and have not received any pay for said services so rendered, nor for any part thereof, therefore,

Be it Enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That the sum of Four Hundred and Eighty Dollars be and is hereby appropriated for the payment of the per diem of C. H. Gray, M. B. Flieshman and C. R. Hakes, for services rendered by them in attendance on the meetings of the Board of Directors of the Insane Asylum of Arizona, between March 22nd 1889, and May 27th, 1890. And that the sum of fifty dollars be and is hereby appropriated for the payment of services rendered by Fred Flieshman as Treasurer of the Insane Asylum during the months of April and May 1890 the sum of fifty dollars.

SEC. 2. That the Territorial Auditor is hereby authorized and directed to draw his warrant upon the Insane Asylum Fund of the Territory, in the following sums, to-wit: In favor of said C. H. Gray, for One Hundred and Twenty Dollars; in favor of said M. B. Flieshman, for the sum of One Hundred and Eighty Dollars; and in favor of said C. R. Hakes in the sum of One Hundred and Eighty Dollars; and in favor of Fred Flieshman the sum of Fifty Dollars, and that the Territorial Treasurer is hereby directed to pay said warrants.

SEC. 3. This Act shall take effect and be in force from and after its passage.

FRED G. HUGHES,
President of the Council.

D. G. CHALMERS,
Speaker of the House.

Approved March seventeenth, 1897.

B. J. FRANKLIN,
Governor.

No. 41.

AN ACT

To amend Title XVI of the Penal Code of the Revised Statutes of Arizona, 1887, Relating to the Preservation of Game Birds and Animals and Providing Punishment for the Unlawful Taking, Killing and Transportation Thereof.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. Title XVI of the Penal Code of the Revised Statutes of Arizona, 1887, is hereby amended so as to read as follows:

SEC. 2. Every person, who in the Territory of Arizona, between the first day of March and the fifteenth day of October in each year, shall hunt, pursue, take, kill, or destroy, or have in his possession, dead or alive, except for purposes of propagation, any quail, bob-white partridge, grouse, or wild

turkey, or any kind of wild duck, snipe or rail, shall be guilty of a misdemeanor; provided, that any person may hunt duck, brant or geese between the first day of October and the first day of April.

SEC. 3. Every person who, in the Territory of Arizona, shall take, gather or destroy the eggs of any quail, bob-white, partridge, pheasant, grouse dove or wild turkey, or any kind of wild duck, goose, or brant, shall be guilty of a misdemeanor.

SEC. 4. Every person, who in the Territory of Arizona, between the first day of March and the first day of June in each year, shall hunt, pursue, take, kill, or destroy or have in his possession doves, shall be guilty of a misdemeanor.

SEC. 5. Every person, who in the Territory of Arizona, shall, between the fifteenth day of December and the first day of August in the following year, hunt, pursue, take, kill, or destroy any male deer, antelope, or buck, shall be guilty of a misdemeanor.

SEC. 6. Every person who, in the Territory of Arizona, shall at any time, hunt, pursue, kill, take, or destroy, any camel, female deer, female antelope, or any elk, mountain sheep, mountain goat, doe, or spotted fawn, shall be guilty of a misdemeanor; provided, that nothing in this Act be so construed as to interfere with the killing of bucks for camp or domestic purposes from October first to February first.

SEC. 7. Every person who shall take, kill, or destroy, at any time any bird mentioned in this Act, unless the carcass of such bird is used or preserved by the person so taking or slaying it, or is sold for food, shall be guilty of a misdemeanor.

SEC. 8. Every person who, in the Territory of Arizona, shall at any time sell, or offer or expose for sale, the hide or meat of any deer, elk, antelope, mountain sheep, mountain goat, or the carcass of any wild turkey, shall be guilty of a misdemeanor.

SEC. 9. Every person who shall buy, sell, offer, or expose for sale, transport, or carry, or have in his possession, any deer or antelope, or any deer or antelope hide or pelt, from which the evidence of sex has been removed, shall be guilty of a misdemeanor.

SEC. 10. Every person who, in the Territory of Arizona, shall within five years next after the passage of this Act, hunt, pursue, take, or destroy, or have in his possession, except for pur-

poses of propagation, any pheasant, prairie chicken, or bob-white, shall be guilty of a misdemeanor.

SEC. 11. Every person who, in the Territory of Arizona, shall at any time net, trap or pound, any quail, partridge or grouse; and every person who shall sell, transport, or give away, or offer or expose for sale or have in his possession any quail, partridge or grouse that has been snared, captured or taken in, or by any means of any net, trap or pound is guilty of a misdemeanor.

SEC. 12. Proof of possession of any quail, partridge or grouse, which shall not show evidence of having been taken by means other than a net, trap or pound, shall be *prima facie* evidence in any prosecution for violation of the provisions of the preceding section, that the person in whose possession such quail, partridge or grouse is found, took, killed or destroyed the same by means of a net or pound.

SEC. 13. Every cold storage company or person keeping a cold storage, warehouse or tavern, or hotel keeper, restaurant or eating house keeper, market man, or any other person, who shall sell, expose, or offer for sale, or give away, or have in his possession in this Territory any deer, elk, antelope, quail, bob-white, partridge, pheasant, grouse, dove, or wild duck or wild turkey, at or during the time, when it shall be unlawful to kill such animal or bird, shall be guilty of a misdemeanor.

SEC. 14. Every person who shall use a shot gun of a larger caliber than that commonly known and designated as number ten gauge, for the purpose of killing or destroying any wild duck, rail, quail, partridge, wild turkey, dove or grouse, shall be guilty of a misdemeanor.

SEC. 15. Every person, who upon any enclosed ground, or cultivated ground or field, which is private property, and where signs are displayed forbidding such shooting, shall shoot any quail, bob-white, pheasant, partridge, grouse, dove or wild duck, without permission first obtained from the owner or person in possession of such grounds, shall be guilty of a misdemeanor.

SEC. 16. Any officer, agent, servant or employe of any railroad company, express company, or other common carrier or private individual, who shall have or receive for transportation, or who shall transport or assist in transporting, any of the game animals or birds mentioned in this Act at or during the time when the killing or taking the same is prohibited or for transportation or carriage outside the limits of this Territory at any time, shall be guilty of a misdemeanor.

SEC. 17. Any person found guilty of a violation of any of

the provisions of the various Sections of this Act shall, upon conviction, be fined in the sum of not less than twenty-five dollars nor more than one hundred dollars (\$100.00) and costs, and, in default of the payment of such fine and costs, shall be imprisoned in the county jail for a period not to exceed one day for each dollar of such fine and costs unpaid. It is hereby made the duty of any peace officer to arrest any person or persons violating any of the provisions of this Act and to take them before any civil authority competent to try the offence. All fines collected under the provisions of this Act shall be paid into the school fund. Nothing in this Act shall be construed to prohibit the United States Fish and Game Commissioners, or the Fish and Game Commissioners of the Territory of Arizona, or any other person or persons authorized by them, from taking the eggs of any of the game birds mentioned in this Act at any time for the purpose of artificial hatching or propagation, or for scientific purposes, and in such amounts as they shall deem proper; and be it further provided, that, any Indians caught hunting in the Territory of Arizona off their respective reservations are guilty of a misdemeanor.

SEC. 18. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 19. This Act shall take effect and be in force from and after its passage.

FRED. G. HUGHES,
President of the Council.

D. G. CHALMERS,
Speaker of the House.

Approved this sixteenth day of March, A. D. 1897.

B. J. FRANKLIN,
Governor.

No. 42.

AN ACT

To Amend Section 2 of an Act entitled "An Act to Provide for the maintenance of the Government of the Several Counties in the Territory and to Prescribe Additional Duties to the Boards of Supervisors and Treasurers thereof;" Being Act No. 76, passed by the Sixteenth Legislative Assembly of the Territory of Arizona, and approved March 19, 1891.

Be it Enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. That Section 2 of An Act entitled "An Act to Provide for the Maintenance of the Government of the Several Counties of the Territory and to Prescribe Additional Duties to the Boards of Supervisors and Treasurers thereof," being

Act No. 76 of the Legislative Assembly of the Territory of Arizona, approved March 19, 1891, be amended so as to read as follows:

SEC. 2. The expense of maintaining the government of any county consists of official salaries, fees and mileage, fees and mileage of jurors, and witnesses, county printing and advertising, books and stationery, feeding county prisoners, the care of the indigent sick, water, wood, lights and like supplies for county institutions, insurance and necessary repairs of county buildings. But nothing herein contained shall authorize the payment of any money from such Expense Fund for the repair or building of any road or bridge. Provided, further, that Boards of Supervisors may, in their discretion, create a Salary Fund for the purpose of paying therefrom, when due, salaries of officials and employes, and fees and mileage of jurors, and after the transfer of funds to the Expense Fund, provided for in Section 1 of this Act, are hereby authorized to transfer from said Expense Fund, to said Salary Fund, in manner provided for transfer of funds from the General Fund to the Expense Fund, an amount sufficient to pay such salaries of officials and employes, and fees and mileage of jurors, and to authorize and order payments from such salary Fund in like manner as on the Expense Fund provided for in section 1, of this Act.

SEC. 3. This Act shall take effect from and after its passage.

FRED G. HUGHES,
President.

D. G. CHALMERS,
Speaker.

Approved March seventeenth, 1897.

B. J. FRANKLIN,
Governor.

No. 43.

AN ACT

To amend Act No. 72 of the Seventeenth Legislative Assembly of the Territory of Arizona, entitled: "An Act relating to the incorporation of Towns, Villages and Cities, of a population of Five Hundred or more."

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That after Section 11 of Article V. of Act No. 72; of the Seventeenth Legislative Assembly of Arizona, approved April 12, 1893, there be and is hereby added another Section to said Article and Act to read as follows:

"SEC. 12. The Common Council shall order a special election to fill any vacancy that may occur in the Council or to vote upon and determine any proposition that may be legally

submitted to the qualified electors of such town. Should the office of Town Clerk, Town Marshal, Supervisor of Streets, or any of the subordinate offices named in said Act become vacant, the Council may by appointment fill such vacancy. No special election shall be held until at least ten days notice shall have been given of the time and place of holding the same, and the purpose for which the same is to be held, and it shall be the duty of the Town Clerk to give said notice by posting said written notice in at least three public places in said town and publishing the same in some newspaper in such town."

SEC. 2. That after Section 5 of Article VII, of said Act there be and is hereby added another Section to said Article and Act, to read as follows:

"SEC. 6. An annual street tax of two dollars is hereby levied on each and every male inhabitant over twenty-one years of age and under fifty years of age, residing within the corporate limits of such town or village, to be collected at such time and under such regulations and conditions as may be prescribed by ordinance. The collection of such street tax shall be enforced in such manner as may be prescribed by ordinance, and when collected shall be paid into the town treasury and designated as the 'Street Fund' and shall be used for the improvement of streets and sidewalks only."

SEC. 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after its passage.

FRED G. HUGHES,
President of the Council.

D. G. CHALMERS,
Speaker of the House.

Approved March seventeenth, 1897.

B. J. FRANKLIN,
Governor.

No. 44.

AN ACT

To provide for the Completion of the Normal School Building and for other Purposes.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That for the completion and putting in condition to serve all the purposes for which the Territorial Normal School was organized, the sum of sixteen thousand dollars (\$16,000.00) is hereby appropriated, which sum shall be paid

out of the General Fund of the Territory of Arizona, and the Territorial Treasurer is hereby authorized and required to transfer said amount out of the General Fund of the Territory of Arizona to the credit of the Normal School Fund, to be applied to the completion and operation of the said Normal School Building and of the said Normal School, and that to reimburse and to replace the said sixteen thousand dollars (\$16,000.00) herein appropriated out of the said General Fund there shall be levied annually, for the years 1897 and 1898, three cents on each one hundred dollars' worth of taxable property in the Territory, the same to be levied and collected as all other taxes are levied and collected, and when so collected to be placed in the General Fund of the Territory of Arizona.

SEC. 2. That for the support of the said Territorial Normal School, there shall hereafter be levied annually a tax of three and one-half cents on each one hundred dollars' worth of all real and personal property in the Territory of Arizona, to be collected as other taxes are required to be collected, and when so collected to be by the Territorial Treasurer placed in the said Normal School Fund, and to be used for no other purpose than is herein named.

SEC. 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after its passage.

FRED G. HUGHES,
President.

D. G. CHALMERS,
Speaker.

Approved March seventeenth 1897.

B. J. FRANKLIN,
Governor.

No. 45. AN ACT

To provide for the Completion and Maintenance of the Territorial Reform School.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. There shall be levied annually for the years 1897 and 1898, in addition to all taxes otherwise directed to be levied and collected, a tax of three-tenths of one mill on each one dollar of the assessed value of all real and personal property in the Territory of Arizona, and when collected to be placed by the Territorial Treasurer in the fund known as the

"Reform School Fund." The Territorial Auditor shall certify the rate of tax as above stated to the several Boards of Supervisors throughout the Territory, and the said Boards of Supervisors are hereby directed and required to enter such rate on the assessment rolls of their respective counties in the same manner and with the same effect as is provided by law in relation to other Territorial and County taxes. The tax levied under the provisions and authority of this Act is hereby made a lien against the property assessed, which lien shall attach on the first Monday in March in each year, and shall not be satisfied or removed until such tax has been paid.

SEC. 2. The Territorial Board of Control of the Territory is authorized and directed to expend so much of the money of the Reform School Fund as may be necessary for the erection, completion and maintenance of said Reform School.

SEC. 3. The Territorial Auditor is hereby authorized and directed to draw his warrant on the Territorial Treasurer for all claims approved and allowed by the Territorial Board of Control under the provisions of this Act, and the Territorial Treasurer is hereby authorized and directed to pay said warrants out of any money in the Reform School Fund.

SEC. 4. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 5. This Act shall take effect and be in force from and after its passage.

FRED G. HUGHES,
President.

D. G. CHALMERS,
Speaker.

Approved this ninth day of March, A. D. 1897.

B. J. FRANKLIN,
Governor.

No. 46.

AN ACT

To Repeal Act No. 62 of the Session Laws of the Eighteenth Legislative Assembly.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That Act No. 62 of the Session Laws of the Eighteenth Legislative Assembly, entitled "An Act to amend Section 109, of Chapter XI, Title 15 of the Revised Statutes of the Territory of Arizona, being Paragraph 757, and Section 18, Chapter 1, Title XXVIII, Revised Statutes of Arizona, being Paragraph 1981" be and the same is hereby repealed.

SEC. 2. That Paragraph 757, Section 109, Chapter XI, Title XV, and Paragraph 1981 (Section 18) Chapter 1, Title XXVIII of the Revised Statutes of Arizona, is hereby re-enacted and shall hereafter be in full force and effect.

SEC. 3. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after its passage.

FRED G. HUGHES,
President of the Council.

D. G. CHALMERS,
Speaker of the House.

Approved March seventeenth, 1897.

B. J. FRANKLIN,
Governor.

No. 47.

AN ACT

Authorizing the Board of Supervisors of the Several Counties of the Territory of Arizona, to pay Bounties for the Destruction of Wild Animals.

Be it Enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. Each Board of Supervisors in this Territory shall pay as rewards for destruction in their county of wild animals, as follows: Lobos or timber wolves, five dollars (\$5.00) each; mountain lions, pumas, panthers, twenty dollars (\$20.00) each, bears, ten dollars (\$10.00) each.

SEC. 2. The person who shall kill any of the above named animals in order to receive the reward mentioned in Section 1 of this Act shall produce the head or scalp of such animal with ears attached, before the Board of Supervisors in and for any county aforesaid. It shall be the duty of the Board of Supervisors to diligently examine such person and such other witnesses as such Board of Supervisors may deem proper, on oath or affirmation, touching the time when and the place where such animal was taken and killed by the person producing the head or scalp thereof within the limits of the county in which such Board of Supervisors shall have jurisdiction; and the affidavit of at least one person other than the claimant shall be filed, in which the affiant shall state that he saw the carcass of the animal freshly killed in the possession of the claimant, and in the county, and the date that he saw it, with a description of the animal. Such affidavit, and the affidavit of the claimant, to be made before the nearest Justice of the Peace or No-

tary Public to where the animal was killed, and in the presence of the fresh hide of the animal, and the Justice of the Peace or Notary Public shall also certify to the facts on the back of the affidavit of the claimant.

SEC. 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after its passage.

FRED G. HUGHES,
President.

D. G. CHALMERS,
Speaker.

Approved March eighteenth, 1897.

B. J. FRANKLIN,
Governor.

No. 48.

AN ACT

To Amend an Act to Regulate the Practice of Medicine in Arizona.

Be it Enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. It shall be unlawful for any one to practice medicine, surgery or obstetrics in Arizona unless such person shall have obtained a diploma regularly issued by a medical college properly and lawfully organized under the laws of the State or Territory wherein said college shall be located.

SEC. 2. It shall be unlawful for any person to practice medicine, surgery or obstetrics in Arizona unless such person shall have passed a satisfactory examination before the examining board hereinafter provided, and provided further that the provisions of this Act shall not apply to women who have practiced obstetrics; provided further that the provisions of this Act shall not apply to resident practicing physicians or surgeons who have already complied with the present existing law.

SEC. 3. There shall be established in Arizona a Board of Medical Examiners. Said Board shall consist of five members to be appointed by the Governor within thirty days after the passage of this Act, each of whom shall be a graduate physician of at least five years consecutive practice, and who shall be at the time of their appointment actually engaged in the practice of medicine, and a bona fide citizen of Arizona, one of whom shall be appointed for the term of one year, one for the

term of two years, one for the term of three years, one for the term of four years, one for the term of five years. And hereafter it shall be the duty of the Governor to appoint or re-appoint examiners every year as the term of those heretofore appointed shall terminate, either by resignation, death or expiration of their term of office. Said appointments shall be made so that said Board of Examiners shall consist of two physicians of the so called regular school of medicine and two of the so called Homeopathic School of Medicine and one of the so called Eclectic School of Medicine. Each applicant shall pay the fee of Five (\$5.00) Dollars before examination, which shall be the only compensation of said Board of Examiners.

SEC. 4. Said Board of Examiners shall organize by electing one of their number as president and one as secretary and make rules and regulations for the government of said Board. Said Board shall meet quarterly and at such other times as the Board may deem advisable, and examine all persons eligible to practice medicine under this Act, but the examination of each applicant shall be conducted by the members of whichever school of medicine the applicant may choose, and upon their approval a certificate shall be issued by the Board.

SEC. 5. Any person shall be regarded as practicing medicine who shall profess publicly to be a physician or who shall prescribe for the sick; but nothing herein contained shall be construed to prohibit gratuitous services in cases of emergency, or for a physician or surgeon of the United States army in the discharge of their duties as such, but none of the provisions of this Act shall apply to those who are now and who have heretofore legally practiced medicine in Arizona.

SEC. 6. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than One hundred (\$100.00) Dollars nor more than Three Hundred (\$300.00) Dollars, or by imprisonment in the county jail for a period of not less than three months nor more than six months or by both such fine and imprisonment at the discretion of the courts.

SEC. 7. All Acts and parts of Acts conflicting with this Act are hereby repealed, and this Act shall take effect and be in force from and after its passage.

FRED G. HUGHES,
President of the Council.

D. G. CHALMERS,
Speaker of the House.

Approved March eighteenth, 1897.

B. J. FRANKLIN,
Governor.

No. 49.

AN ACT

In relation to Certain Fees of Probate Courts.

WHEREAS the Fifteenth Legislative Assembly by Act No. 52 provided that Probate Judges should record all Marriage Certificates of Marriages contracted in their counties, in order to conform to the provisions of the Act of Congress known as the "Edmunds Act" and gave to said Probate Judges a fee of \$2.00 for each certificate so recorded, as compensation for such extra service, and

Whereas, the Sixteenth Legislative Assembly by Act No. 77, required said officers to issue all marriage licenses in their respective counties and allowed them a fee of fifty cents for each license so issued as compensation for such extra service and

Whereas, such officers, under the provisions of said Acts, believing that they were entitled to said fees, and that it was the intent of the Legislature that they should so receive them as part of their compensation, did retain such fees, and

Whereas, it has become known that Act No. 51 of the Eighteenth Legislative Assembly, as it passed both houses of the Legislature contained a section that does not appear in the printed Act, which section provided that the Act should not go into effect until Jan. 1st, 1897, therefore, in order that a settlement may be had and that said Acts may be properly construed,

Be it enacted by the Legislative Assembly of Arizona:

SECTION 1. That all fees received by the Probate Judges for recording marriage certificates and issuing marriage license and retained by them, between the passage and approval of Act No. 52 of the Fifteenth Legislative Assembly and the 1st day of January, A. D. 1897, shall be retained by them and treated as a part of their compensation for services performed by them during such period, any Acts or parts of Acts, to the contrary notwithstanding.

SEC. 2 All Acts and parts of Acts in conflict herewith are hereby repealed.

FRED. G. HUGHES,
President of the Council.

D. G. CHALMERS,
Speaker of the House.

Approved March eighteenth, 1897.

B. J. FRANKLIN,
Governor.

No. 50

AN ACT

Providing for the Printing of the Session Laws of the
Territory of Arizona.

*Be it enacted by the Legislative Assembly of the Territory of
Arizona:*

SECTION 1. The sum of three thousand dollars (\$3,000.00), or so much thereof as may be necessary, is hereby appropriated, payable out of the General Fund of the Territory of Arizona for the printing and binding of twenty-five hundred copies of the Laws of the Fifteenth, Sixteenth, Seventeenth, Eighteenth and Nineteenth Sessions of the Territorial Legislative Assembly of Arizona. The laws of the sessions above named shall be printed and bound in calf skin, in one volume, under the direction of the Secretary of the Territory.

SEC. 2. Within one week after the passage of this Act the Secretary of the Territory shall advertise for bids for doing the work provided for in Section 1 of this Act, and contract for the doing of the same with the lowest responsible bidder, the books to be printed, bound and delivered to the Secretary of the Territory in sixty days after the signing of the contract.

SEC. 3. The Secretary of the Territory shall receive from the publishers the books authorized by this Act and shall certify to the Territorial Auditor that the contractors have completed their contract, and the Auditor shall thereupon draw his warrant upon the General Fund of the Territory for the payment of the amount due, according to the terms of the agreement.

SEC. 4. The Secretary shall furnish a copy of these laws to all members of the Nineteenth Legislative Assembly and Territorial and county officers authorized by law to receive them, and the remainder he shall sell at the fixed price of three dollars per copy and pay the proceeds into the Territorial General Fund.

SEC. 5. This Act shall take effect and be in force from and after its passage.

FRED G. HUGHES,
President.

D. G. CHALMERS,
Speaker.

Approved this eighteenth day of March, A. D. 1897.

B. J. FRANKLIN,
Governor.

No. 51.

AN ACT

To Amend an Act Entitled, "An Act Relating to Assessment and Collection of Taxes," Approved April 13, 1893.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That Act No. 85 of the Legislative Assembly, approved April 13, 1893, be amended so as to read as follows:

That all shares of stock of every National Bank, or banking association, whether organized under the laws of this Territory, or of any other State or Territory, or any Act of Congress of the United States, and doing business in this Territory, shall be assessed and taxed in the county where such National Bank, or banking association is located for the transaction of business; provided, that, nothing herein shall be so construed as to tax the shareholders of such National Banks and banking associations, at a greater rate than is assessed against other moneyed capital in the hands of individuals.

SEC. 2. That all shares of stock of every corporation or association in this Territory, other than incorporated banking associations that shall engage in the business of banking, in buying and selling exchange, and receiving deposits, shall be assessed and taxed in the county where such association or corporation is located and doing such business, provided, such shares shall not be at a greater rate than is assessed against other moneyed capital in the hands of individual citizens of the Territory.

SEC. 3. That every person, corporation or association, other than National banks, and corporations, and associations that do a banking business, on capital stock divided into, which is represented by shares, who shall engage in the business of banking, buying and selling exchange, and receiving deposits in this Territory, on capital stock not represented by, or divided into shares, shall be taxed in the county where such person, corporation, or association is located and doing business, on the cash value of such capital stock to be estimated on the same basis of valuation as other moneyed capital in the hands of individual citizens.

SEC. 4. The shares of National bank stock shall be entered and taxed in the name of the share holders of the several shares thereof respectively engaged in the business of banking, and whose capital stock is not divided into or represented by shares, shall be entered and taxed in the name of such person, corporation or association.

SEC. 5. Upon the demand of the Assessor, the president,

cashier or other officers in charge of an incorporated National bank association, shall make out and deliver to said Assessor, a sworn statement showing the number of shares of said National bank; the name and residence of each shareholder and the number and amount of shares owned by him. Every shareholder of said National bank shall, in the town or city where said National bank is located, render at their actual cash value to the Assessor of Taxes, all shares owned by him in such National bank; and in case of his failure to do so, the Assessor shall list and assess such unrendered shares as other unrendered property.

The taxes due upon the shares of banking corporations shall be a lien thereon, and shall be paid by the cashier or president of such National bank or banking institution and shall be a lien against and assessed to such shares of stock, and no banking corporation shall pay any dividends to any shareholder who is in default in the payment of taxes due on his shares; nor shall any banking corporation permit the transfer on its books, of any shares, the owner of which is in default in the payment of his taxes on the same.

That the taxes due on shares of National banks shall be a lien on the same, and no corporation or association shall permit any dividends to be paid to any holder of any such shares, or permit any transfer of the same on its books until the tax thereon shall have been paid.

SEC. 6. That in the event any president, cashier or other officer in charge of any National bank or other corporation or association engaged in the business of banking in this Territory, shall refuse, on the demand of the Assessor, to file with said Assessor, a sworn statement showing the number and amount of shares of said National bank, or association or corporation, the name and residence of each shareholder, and the number and amount owned by him, as demanded; the said Assessor shall at once in the name of the Territory, at his relation, institute proceedings in mandamus, to compel the statement to be so filed; and in the event of such failure in addition to the taxes due, the said officer, president or cashier, or managing agent so refusing shall forfeit an amount equal to double the amount of said taxes, to be recovered by the county in a civil action as for debt, and go into the school fund of such county where such National bank or association is located: Said action to be brought by and in the name of said county.

SEC. 7. That this Act shall take effect and be in force from and after its passage.

SEC. 8. All Acts and parts of Acts in conflict with this Act are hereby repealed.

FRED G. HUGHES,
President.

D. G. CHALMERS,
Speaker.

Approved March eighteenth, 1897.

B. J. FRANKLIN,
Governor.

No. 52.

AN ACT

Making Appropriations for Current Expenses of Certain Special Committees Appointed in Accordance with House Substitute for House Joint Resolutions Number 2 to Investigate and report on the Condition, Management and Needs of Territorial Institutions and Examine into and Report upon the Management of Territorial Officers.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION I. That the sum of five hundred dollars be and the same is hereby appropriated out of any moneys now in the hands of the Territorial Treasurer, not otherwise appropriated by law. To be disbursed by the aforesaid committees as in their judgment may seem best, or so much thereof as may be necessary to pay the current expenses of the said committees, while in the actual discharge of the duties required of them under House Substitute for House Joint Resolution No. 2.

SEC. II. The Territorial Auditor is hereby authorized and directed to draw his warrant for the sum named in Sec. 1 of this act and in favor of the chairmen of said committees, upon a requisition signed by said chairmen and their associates upon the said committees.

SEC. III. This Act shall take effect and be in force from and after its passage.

FRED G. HUGHES,
President.

D. G. CHALMERS,
Speaker.

Executive Depar't of Arizona.
Office of the Governor.
PHOENIX, Arizona, February 3rd, 1897.

Approved,

B. J. FRANKLIN,
Governor.

No. 53.

AN ACT

In relation to the Arizona Pioneers Historical Society.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That the Society of Arizona Pioneers, organized February 9, 1884, under the incorporation laws of the Territory, shall continue to be recognized as worthy of the fostering care of the Territory, and from and after the passage of this Act shall be known and designated as the "Arizona Pioneers Historical Society." Said Society shall be the trustee of the Territory, and as such shall faithfully expend and apply all money received from the Territory to the uses and purposes directed by law, and shall hold all its present and future collections and property for the Territory, and shall not sell, mortgage, transfer or dispose of in any manner, any part of the same, without authority of law; provided, that this shall not prevent the sale or exchange of any duplicates that the Society may have or obtained. There shall continue to be a Board of Directors of said Society, to consist of as many members as the Society shall determine, and who shall have the same powers as the present Board of Directors.

SEC. 2. It shall be the duty of the Society to collect books, maps and other papers and materials illustrative of the history of Arizona in particular and of the west generally; to procure from the early pioneers' narratives of events relative to the early settlement of Arizona and to the early explorations, Indian occupancy and overland travel in the Territory and the west; to procure facts and statements relative to the history and conduct of our Indian tribes, and to gather all information calculated to exhibit faithfully the antiquities and the past and present condition, resources and progress of the Territory, to purchase books, to supply deficiencies in the various departments of its collections, and to procure by gift and exchange such scientific and historical reports of the Legislatures of other States and Territories, of railroads, reports of geological and other scientific surveys, and such other books, maps, charts and materials as will facilitate the investigation of historical, scientific, social, educational and literary subjects, to cause the same to be properly bound; to catalogue the collections of said society for the more convenient reference of all persons who may have occasion to consult the same; to biennially prepare for publication a report of its collections and such other matters relating to its transactions as may be useful to the public, and to keep its collections, arranged in suitable and convenient rooms, to be provided and furnished by the Secretary of the Society, as the Board of Directors shall determine; the rooms of the Society to be open at all reasonable hours on business days for

the reception of the citizens of the Territory who may wish to visit the same without fee. Provided, that no expenditures shall be made under this Act, or expense incurred except in pursuance of specific appropriations therefor, and no officer of said Society shall pledge the credit of the Territory in excess of such appropriations.

SEC. 3. The Board of Directors shall keep a correct account of the expenditures of all money which may be appropriated in aid of the Society, and report biennially to the Governor a detailed statement of such expenditures. To enable the Society to augment its collections by effecting exchanges with other Societies and Institutions, sixty bound copies each of the several publications of the Territory and of its Societies and Institutions, except the reports of the Supreme Court shall be and are hereby donated to said Society as they shall be issued, the same to be delivered to the Society by the Secretary of the Territory, or other officer having custody of the same; to include also for deposit in its collections one set of all the publications of the Territory heretofore and hereafter issued, not excepting the Supreme Court reports. All bound and unbound volumes of newspapers now on file in the Territorial Library shall become the property of the Arizona Pioneers Historical Society upon the passage of this Act, and shall be delivered upon the demand therefor, by and to the said Society, by the Secretary of the Territory.

SEC. 4. That the sum of three thousand dollars (\$3,000) be and the same is hereby appropriated out of any moneys in the hands of the Territorial Treasurer not otherwise appropriated by law, to be disbursed by the aforesaid Board of Directors as in their judgment may seem best, and for binding in suitable binding all newspaper files, and all other historical data and records which the Society shall hereafter receive, or may now have unbound; and for such circulars, labels, reports, and other matters relating to its transactions, as the Board of Directors shall order.

SEC. 5. The Territorial Auditor is hereby authorized and directed to draw his warrant for the sum named in Section four (4) of this Act and in favor of the President of the aforesaid Board of Directors upon a requisition signed by said President and his Associates upon the said Board of Directors.

SEC. 6. This Act shall take effect and be in force from and after its passage.

FRED G. HUGHES,
President of the Council.

D. G. CHALMERS,
Speaker of the House.

Approved, March eighteenth, 1897.

B. J. FRANKLIN,
Governor.

No. 54.

AN ACT

To Reinstate Salaries of County Officials for the years 1895, and 1896, and providing for the payment thereof by Their Respective Counties Except in Counties That Have Been Sub-divided or organized Since January 1, 1895.

WHEREAS, at the general election of county officers in the year 1894, all county officers were elected to hold their respective offices for and during the years 1895 and 1896, and under the then existing laws and salaries, and,

Whereas, the Territorial Legislature in March, 1895, passed an Act classifying the counties of the Territory and fixing the compensation of county officers therein, to take effect January 1, 1897, and,

Whereas, in the enrolling and engrossing of said Act for the signature of the Governor, the important portion "To take effect January 1, 1897," was omitted; and,

Whereas, by said omission of "To take effect January 1, 1897," the law took effect at the date of approval by the Governor, being on and after March 21, 1895, causing thereby serious loss of compensation and salary to many county officers, contrary to said Act as actually passed by said Legislature, therefore,

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That the County Board of Supervisors, upon demand in writing of any one interested, are hereby authorized and directed, excepting in counties that have been sub divided or organized since January 1, 1895, to audit the salary accounts of any official who may have held office in their respective counties for the years 1895 and 1896, and in auditing any and all of said accounts shall allow to each and every one of said officials the amounts that each should have received had said Act, approved March 21, 1895, taken effect January 1, 1897, and shall issue warrants to each of said county officials, or their legal representatives, for such amounts as shall be found as remaining unpaid.

SEC. 2. The county Treasurers are hereby authorized and directed to pay the warrants so issued by their respective Boards of Supervisors and provided for in Section 1 of this Act, out of the Salary Fund of their respective counties, or if there are no funds in the Salary Fund, then the same shall be paid out of the General Fund of their respective counties.

SEC. 3. This Act shall take effect from and after its passage.

FRED G. HUGHES,
President.

D. G. CHALMERS,
Speaker.

This bill having been returned by the Governor, with his objections thereto, and, after re-consideration, having passed both houses by a two-thirds vote of each house, has become a law, this 18th day of March, A. D. 1897.

D. G. CHALMERS,
Speaker of the House.

FRED. G. HUGHES,
President of the Council.

No. 55.

AN ACT

Authorizing and Directing the Treasurer of Pima County to Destroy Certain Illegal Bonds.

WHEREAS the Board of Supervisors of Pima County under an Act of the Legislative Assembly of Arizona, approved by the Governor on the 6th day of March, A. D. 1883, issued certain Pima County Bonds, known as the Narrow Gauge Railroad Bonds to the Tucson Smelting and Milling Company, and

Whereas, the said Bonds were declared illegal by the Supreme Court of the United States before some or all of them were delivered, and

Whereas, the said signed and unsigned Bonds are now in the possession of the Treasurer of Pima County, now therefore,

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That the Treasurer of Pima County is hereby authorized and directed in the presence of the Chairman of the Board of Supervisors of said Pima County to destroy said Bonds.

SEC. 2. This Act shall take effect and be in force from and after its passage and approval.

FRED. G. HUGHES,
President of the Council.
Approved March eighteenth, 1897.

D. G. CHALMERS,
Speaker of the House.

B. J. FRANKLIN,
Governor.

No. 56.

AN ACT

Regulating the Auditing of Claims against the Territory.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. In addition to their other duties the Board of Control shall examine all bills, accounts and claims against the Territory, except for salaries fixed by law, and before the Auditor draws a warrant for any bill, account or claim against the Territory it must be certified as having been approved by the Secretary of the Board.

SEC. 2. If the Auditor draws any warrant not authorized by law, he shall be liable upon his official bond for three times the amount of such illegal warrant.

SECTION 3. Before assuming the duties of his office the Auditor, in addition to other requirements of law, shall give a bond to the Territory of Arizona in the sum of Ten Thousand Dollars, with two or more sureties conditioned upon the faithful discharge of the duties of his office. Said bond shall be approved by the Governor and deposited in the office of the Secretary of the Territory.

SEC. 4. All Acts and parts of Acts in conflict with this Act are repealed. This Act shall take effect and be in force from and after its passage.

FRED G. HUGHES,
President of the Council.

D. G. CHALMERS,
Speaker of the House.

Approved March eighteenth, 1897.

B. J. FRANKLIN,
Governor.

No. 57.

AN ACT

Adding to the Powers and Privileges already Vested by
Charter in Incorporated Cities.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That in addition to the powers already vested in Cities in this Territory by their respective charters, and the general laws of this Territory Cities and Common Councils in Cities shall have the following powers:

First. To lay out and establish, open, alter, widen, extend

grade, pave or otherwise improve streets, alleys, avenues, side-walks, parks and public grounds, and vacate the same.

Second. To plant trees upon the same.

Third. To regulate the use of the same.

Fourth. To prevent and remove encroachments or obstructions upon the same.

Fifth. To provide for lighting the same.

Sixth. To provide for cleansing the same.

Seventh. To regulate the openings therein for the laying of gas and water pipes and mains, and the building and repairing of sewers, tunnels and drains, and erecting gas-lights. And also to regulate the erection of poles and wires, and the laying of street railway tracks, and the operating of street railways in and upon its streets, alleys, public grounds and plazas.

Provided, however, that any company heretofore organized under the general laws of this Territory, or any association of persons organized or which may hereafter be organized for the purpose of manufacturing gas to supply cities, or the inhabitants thereof, with the same, or for supplying said cities or inhabitants with water; or for the purpose of furnishing said cities and inhabitants thereof with a sewer system; shall have the right, by consent of the Common Council (subject to existing rights,) to erect and establish gas factories, water works and sewer plants, and lay down pipes in the streets, alleys, plazas and ways of any city in this Territory, subject to such rules and regulations as any such city shall by ordinance impose.

Eighth. To regulate the use of side-walks and all structures thereunder; and to require the owner or occupant of any premises to keep the side-walks in front of or along the same free from obstructions.

Ninth. To regulate and prevent the throwing of ashes, offal, dirt, garbage or offensive matter, in and prevent injury to any street, avenue, way, alley or public grounds.

Tenth. To construct or cause to be constructed and to keep or cause to be kept in repair bridges, viaducts, tunnels, culverts, drains, sewers and cess-pools, and to regulate the use thereof.

Eleventh. To provide for the cleansing and purification of waters, water-courses and canals, and the draining or filling of ponds on private property whenever necessary to prevent or abate nuisances.

Twelfth. To establish markets and market houses, and to provide for the regulation and use thereof.

Thirteenth. To regulate the sale of meats, poultry, fish, butter, cheese, lard, fruit, vegetables and other provisions, and to provide for the place and manner of selling the same.

Fourteenth. To provide and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, fruit, hay, grain, flour, meal and other provisions.

Fifteenth. To regulate the inspection, weighing measuring of brick, lumber, firewood, coal, hay and other articles of merchandise.

Sixteenth. To provide for the inspection and sealing of weights and measures.

Seventeenth. To enforce the keeping and use of proper weights or measures by vendors.

Eighteenth. To regulate the construction, repairs and use of vaults, cisterns, areas, hydrants, pumps, sewers and gutters.

Nineteenth. To regulate partition fences and party walls and regulate the construction and location of buildings, walls and fences on the line of any street, way or alley.

Twentieth. To prescribe the thickness, strength and manner of constructing stone, brick, and other buildings, and construction of fire escapes therein. It shall also be competent for the Common Council to fix and designate fire limits within which no buildings having outside wooden walls shall be constructed or repaired so as to increase their value beyond a percentage to be fixed in the ordinance; and the Common Council may, by ordinance, prescribe special fire limits, within the general fire limits, within which special fire limits they may require such building material to be used and such additional precautions to be observed in the construction of new buildings, and the repairing and maintenance of said buildings, as they may from time to time designate, and for the prevention of fires and the spread and communication thereof; and to provide any proper remedy for the enforcement of such ordinance as may be passed in relation to fire limits or any particular provision thereof, and to that end they may provide for the appointment of a building inspector, designate his authority, fix his term of office and provide his compensation.

Twenty-first. To declare what shall be a nuisance and to abate the same; and to impose fines upon parties who may create, continue or suffer nuisances to exist.

Twenty-second. To appoint a Board of health, and prescribe its powers and duties.

Twenty-third. To prohibit any offensive or unwholesome business or establishment within one mile of the limits of the corporation.

Twenty-fourth. To compel the owner of any grocery, cellar, soap or tallow chandlery, tannery, stable, pig-sty, privy, sewer or other unwholesome or nauseous house or place, to cleanse, abate or remove the same, and to regulate the location thereof.

Twenty-fifth. The Common Council shall have power, by condemnation or otherwise, to extend any street, alley or highway over or across, or to construct or cause to be constructed any sewer under or through any railroad track, right-of-way, or land of any railroad company (within its corporate limits) but where no just compensation is made to such railroad company, the city shall restore such railroad track, right-of-way or land to its former state, or in a sufficient manner not to injure its usefulness.

Twenty-sixth. To establish and define sewer districts and to construct therein all necessary sewers.

Twenty-seventh. To establish and alter the grade of streets, alleys, and side-walks, and to regulate the manner of using the streets and pavements in the city, and to protect the same from injury by vehicles used thereon; but no street or side-walk grade shall be altered after the same has once been established and built to, unless proper compensation be made to abutting owners for damages done their property, if any, by such change.

Twenty-eighth. To make local improvements by special assessments, or by special taxation, or otherwise, as they shall by ordinance prescribe.

SEC. 2. When any city shall by ordinance provide for the making of any local improvement, it shall by the same ordinance prescribe whether the same shall be made by special assessment, or by taxation of contiguous property, or general taxation or both. But no such improvements shall be made or ordered made by special assessment or taxation of contiguous property in the first instance, unless a petition for the making of such improvement, signed by the owners of a majority of the lineal frontage upon such improvement shall have first been filed with the City Recorder, but this restriction shall not be applicable to, nor limit the Common Council in making and ordering any and all repairs on such improvements, after the same have once been made.

SEC. 3. Should said ordinance provide for improvements which require the taking or damaging of property, the proceed-

ings for making just compensation therefor shall be the same as provided in Title 22, Revised Statutes of this Territory.

SEC. 4. When the ordinance under which said improvement is ordered to be made shall provide that such improvement shall be made by general taxation, the cost of such improvement shall be levied and collected with and as part of the general taxes of such city, but no street paving in the first instance, or the making or repairing of side-walks shall be made or ordered made, except at the expense of abutting property.

The expense of paving or otherwise improving all street intersections shall be paid out of the general funds of the city, and all cross walks and intersections of streets and alleys, and across public grounds shall be laid and kept in repair at the expense of the city at large. After a street shall have been once graded to an established grade, and improved by special assessment of contiguous property, it shall be kept in repair at the expense of the city. This Section shall not, however, apply to the repair of side-walks, which in all instances shall be repaired and renewed by the owners of abutting lots, and if not so repaired and renewed on an order made by the Common Council requiring such repair and renewal, and served upon the occupant or owner of the abutting lot, either personally or by mail, within twenty (20) days after such service, then such repairing or renewing shall be done by the city, and the expense thereof be and become a lien upon such abutting lot, and be placed in the next tax-roll of such city as a tax upon such property, and collected or said lot sold therefor, as other city taxes are collected or sales made for taxes.

SEC. 5. When said ordinance under which said local improvement shall be ordered, shall provide that such improvement shall be made or paid for in whole or in part by special assessment, or by special taxation of contiguous property, the same shall be levied, assessed and collected in the manner provided in the Sections of this Act, providing for the mode of making, levying, assessing and collecting special assessments. But no such special assessment or special tax shall exceed in amount twenty per cent. of the value of the property upon which said special assessment or tax is levied, to be determined by the valuation fixed by the last assessment of said property for city taxes.

SPECIAL ASSESSMENTS.

SEC. 6. Whenever such local improvements are to be made wholly or in part by special assessment, the Common Council of such city shall pass an ordinance to that effect, specifying therein the nature, character, locality and description of such

improvements, provided, that whenever any such ordinance shall provide only for the building, repairing or renewing of any side-walk, the owner of any lot or piece of land fronting on such side-walk shall be allowed thirty (30) days after the time at which such ordinance shall take effect in which to build or renew such side-walk opposite his land, and thereby relieve the same from assessment; provided, that the work so to be done shall in all respects conform to the requirements of such ordinance.

SEC. 7. The Common Council shall appoint three (3) of its members or any three (3) competent persons, who shall make an examination of the premises to be affected and make an estimate of the cost of the improvements contemplated by such ordinance including labor, materials and all other expenses attending the same, and cost of making and levying the assessment, and shall report the same in writing to said Common Council.

SEC. 8. On such report being made and approved or modified by the said Common Council, it shall be the duty of the Common Council to appoint a committee of three (3) persons, residents of said city, one of whom shall be the Assessor of said city, who shall examine the locality where the improvement is proposed to be made, and the lots, blocks, tracts and parcels of land that shall be benefited thereby and to estimate what proportion of the total cost of such improvement will be of benefit to the public and what proportion thereof will be of benefit to the property to be benefited, and apportion the same between the city and such property, so that each shall have its relative equitable proportion, and having found such amounts to apportion and assess such amount so found to be of benefit to the property upon the several lots, blocks, tracts and parcels of land in the proportion in which they will be severally benefited by such improvement; provided, that no lot, block or tract of land shall be assessed in a greater amount than it will be actually benefited.

SEC. 9. Said committee shall also make or cause to be made an assessment roll, in which shall appear the names of the owners, so far as known, a description of block, lot, tract or parcel of land and the amount assessed as benefits thereto, and in which shall be set down as against the city the amount they shall have found as public benefit, and certify such assessment roll to the Common Council of such city by which they were appointed, within at least thirty (30) days from the date of their appointment.

It shall be the duty of such committee within five (5) days after their appointment to fix a time and place when and where they will meet to consider and decide upon such assess-

ments, which time shall be not less than fifteen (15) nor more than twenty (20) days from the date of their appointment. They shall give notice by mail to each owner of premises to be assessed whose name and place of residence is known to them or upon diligent inquiry, can be ascertained of the time and place of their meeting, such notice shall be mailed at least ten (10) days before such day of hearing. They shall also cause notice to be given of such hearing by posting notices in at least four (4) public places in such city, two (2) of which shall be in the neighborhood of such improvement; and by publishing the same at least once in a newspaper published in said city. The notice shall be substantially as follows:

SPECIAL ASSESSMENT NOTICE.

Notice is hereby given to all persons interested, that the Common Council of _____ having ordered that (here insert nature and description of improvements substantially as in ordinance,) and having appointed the undersigned a committee to examine and report upon such improvement, and to make an assessment of the costs of said improvement according to the benefits upon the property contiguous thereto, a hearing will be had by said committee of all persons interested in said improvement and the lands to be affected by a special assessment therefor at _____ on the _____ day _____ at _____ o'clock. All persons desiring may then and there appear and make any objections they may have to such improvement and assessment.

 _____ } Committee.

All persons interested in any real estate to be affected by such special assessment may appear and be heard before such committee, with such witnesses as they may produce.

SEC. 10. If upon such hearing it shall appear that any premises assessed for said improvements in the roll prepared by such committee are assessed more or less than they will be benefited, or more or less than the proportionate share of the cost of the improvement which such premises should justly bear, the committee shall amend and change its assessment accordingly, and shall certify said roll as so corrected to the Common Council, with the testimony, if any, taken by said committee.

SEC. 11. Upon presentation of such roll and the report of such committee to the Common Council, it shall proceed to examine and reject, confirm or modify and confirm the assessment roll and the assessments therein contained, and there-

upon if such assessments be confirmed, or modified and confirmed the same shall stand as a valid tax and be a lien upon the several lots, blocks and pieces of land assessed therein, as other and general city taxes are, to the amount of such assessment against each lot, block or piece of land.

SEC. 12. If the owner of any parcel of land assessed for such improvement by special tax feels himself aggrieved by reason of the determination made by the Common Council, he may, within twenty (20) days after the date of such determination, appeal therefrom to the District Court; Provided, that in case any contract shall have been made for making the improvements, said appeal shall not affect such contract; and in case the appellant shall succeed, the difference between the amount charged in the assessment roll and the amount adjudged to be paid as benefits accruing to the parcel of real estate described in such assessment roll shall be paid by the city at large.

SEC. 13. The appeal given by the last Section shall be the only remedy of the owner of any parcel of land, or of any person interested therein, affected by said improvement, for the redress of any aggrievance he may have by reason of the making of such improvement.

SEC. 14. Upon the confirmation, or modification and confirmation, of such report and assessment by the Common Council, the Recorder of the city shall file the report and assessment, and record the action of the Common Council thereon. And the Mayor and Recorder shall thereupon issue a warrant for the collection of such special assessment and tax, and deliver the same, together with a copy of the assessment roll as confirmed by the Common Council, to the officer authorized to collect the general city taxes; such warrant shall direct the officer aforesaid to collect said tax as in this Act provided, and give sufficient authority to collect the assessment therein, and in such copy of said roll specified.

SEC. 15. The collector receiving such warrant shall immediately give notice thereof by publishing such notice in one or more newspapers in such city, if such newspaper there be, and if no such newspaper then by posting four copies thereof in public places along the line of the proposed improvement. Such notice shall be substantially in the following form:

SPECIAL ASSESSMENT NOTICE.

Public notice is hereby given that the Common Council of the City of———have levied and assessed a special assessment upon the property benefited by the following improvement (here insert the character and location of the improve-

ment in general terms) as will more fully appear from the assessment roll for such special assessment on file in the office of the City Recorder of the said City that a warrant for the collection of such assessment is in the hands of the undersigned. All persons interested are hereby notified to call and pay the amounts assessed at the Collector's office (here insert location of office) within thirty (30) days from the date hereof.

Dated this _____ day of _____

Collector.

SEC. 16. It shall be the duty of the Collector in whose hands the warrant shall so come, as far as practicable to call upon all persons resident within the corporation, whose names are upon the assessment roll, of the occupants of the property assessed, and personally or by written and printed notice, left at his or her usual place of abode, inform them of such assessment and request the payment of same. Any such collector omitting so to do shall be liable to a penalty of ten dollars (\$10) for every such omission, but the validity of the special assessment, or the right to apply for and obtain judgment for any such special assessment shall not be affected by such omission. It shall be the duty of such collector to write the word "paid" opposite each tract or lot upon which the assessment is paid, together with the name and post-office address of the person making the payment and the date of payment.

SEC. 17. It shall be the duty of the collector of special assessments, within such time as the Common Council may by ordinance provide, to make a report in writing to the general officer of the County authorized or to be designated by the general revenue law of this Territory to apply for judgment and sell land for taxes due the County and Territory, of all the lands, town lots and real property, upon which he shall have been unable to collect special assessments, with the amount of special assessments due and unpaid thereon, together with his warrant or a brief description of the nature of the warrant or warrants received by him authorizing the collection thereof: which report shall be accompanied with the oath of the collector that the list is a correct report and return of the lands, town lots and real property on which the special assessments levied by the authority of the City of _____ remain due and unpaid; that he is unable to collect the same, or any part thereof and that he has given the notice required by law, that said warrants had been received by him for collection. Said report when so made, shall be *prima facie* evidence that all of the forms and requirements of the law in relation to making said returns, have been complied with, and that the special assessments mentioned in said report are due and unpaid. And upon the application for judgment upon such assessment no de-

fense or objection shall be made or heard which might have been interposed in the proceeding for the making of such assessment or the application for the confirmation thereof.

SEC. 18. When said general officer shall receive the report provided for in the preceding section, he shall proceed to obtain judgment against said lots, parcels of land and property for said special assessments remaining due and unpaid at the same time and in the same manner as is or may be by law provided for obtaining judgment against lands for taxes due and unpaid the County and Territory, and shall in the same manner proceed to sell the same for the said special assessments remaining due and unpaid. In obtaining said judgment and making said sale, the said officer shall be governed by the general revenue laws of this Territory, except when otherwise provided herein. No application for judgment against lands for unpaid special assessments shall be made at a time different from the annual application for judgment against lands upon which general taxes remain due and unpaid. The application for judgment upon delinquent special assessments in each year shall include only such special assessments as shall have been returned as delinquent to the County Collector on or before the first day of April, in the year in which said application was made.

SEC. 19. After making said sales, the list of lots, parcels of land and property sold thereat shall be returned to the office of the County Recorder, and redemption may be made as provided for in the general revenue laws of this Territory.

SEC. 20. If the Collector shall receive any moneys for taxes or assessments giving a receipt therefor for any land or parcel of land, and afterwards return as unpaid to the County and Territorial officers authorized to sell land for taxes or shall receive the same after making such return and the same be sold for tax or assessment which has been so paid and receipted for by himself or his deputy, he and his bondsmen shall be liable to the holder of the certificate given to the purchaser at the sale for double the amount of the face of the certificate, to be demanded in two years from the date of the sale and recovered in any court having jurisdiction of the account, and the city shall in no case be liable to the holder of the certificate.

SEC. 21. The Collector or Collectors, and the general officer aforesaid, to whom said warrants shall be returned, shall pay over to the city to which it shall belong all moneys collected by them, respectively, upon or by virtue of said warrant, or upon any sale for taxes or otherwise, at such time or times and in such manner as shall be prescribed by ordinance, and shall be allowed such compensation for their services in the collection of such assessments as the ordinance of the city

shall provide, not to exceed the amount of compensation fixed by general law for similar services.

SEC. 22. The general revenue laws of this Territory in reference to proceedings to recover judgment for delinquent taxes, the sale of property thereon, the execution of certificates of sale and deeds thereon, the force and effect of such sales and deeds, and all other laws in relation to the enforcement and collection of taxes and redemption of tax sales, except as herein otherwise provided, shall be applicable to proceedings to collect such special assessment.

SEC. 23. Any city interested in the collection of any tax or special assessment may become a purchaser at any sale of real or personal property to enforce the collection of the same, and may, by ordinance, authorize and make it a duty of one or more city officers to attend such sale and bid thereat in behalf of the corporation.

SEC. 24. If any assessment shall be annulled by the Common Council or set aside by any Court, a new assessment shall be made and returned, and like notice given and proceedings had as herein required in relation to the first, and all parties in interest shall have the like rights and the Common Council and Court shall perform like duties and have like powers in relation to any subsequent assessment as are hereby given in relation to the first assessment.

SEC. 25. If in any case the first assessment prove insufficient a second may be made in the same manner as nearly as may be and so on, until sufficient moneys have been realized to pay for such public improvement. If too large a sum shall at any time be raised the excess shall be refunded ratable to those by whom it was paid.

SEC. 26. All persons taking any contract with the city, and who agreed to be paid from Special assessments shall have no claim or lien upon the city in any event, except from the collection of the special assessments made for the work contracted for.

SEC. 27. All contracts for the making of any public improvement to be paid for in whole or in part by a special assessment, the expense whereof shall exceed two hundred dollars (\$200.00) shall be let to the lowest responsible bidder in the manner to be prescribed by ordinance. Such contracts to be approved by the Mayor of the city, provided however, that when the expense thereof shall not exceed two hundred dollars (\$200.00) and such contract may be entered into by the proper officer without advertising for bids, and without such approval, by vote of two-thirds ($\frac{2}{3}$) of all the Councilmen elected.

SEC. 28. All special assessments levied by any city under this Act, shall from the date of assessment, be a lien upon the real estate upon which the same may be imposed, and such lien shall continue until such special assessments are paid. And the same proceedings may be resorted to by the Collector upon any warrant or order issued or made for the collection of special assessments as in the case of the collection of Territorial and County taxes under the general laws of the Territory.

SEC. 29. At any time after the same becomes due, it shall and may be unlawful for any Collector thereof to commence suit in any Court of Record, in the corporate name of such city against any person or persons for the total amount of special assessment, which such persons are liable for the payment of. Such suits shall be commenced by complaint and shall state the several amounts of the special assessments sought to be recovered, and give a general description of the warrant or warrants issued for the collection thereof; upon the filing of the complaint, a summons shall be issued, served and returned as in other suits in such courts. Upon the return of such summons duly served, the Court shall forthwith proceed to the hearing of such complaint without formal pleadings, and may render judgment for all or any part of special assessment, as the right and the justice of the case may require. The original or certified copy (by the Recorder under the corporate seal) of such warrant or warrants and list or lists, or so much thereof as refers to the special assessments sought to be recovered, shall be *prima facie* evidence of the right of said Collector to a judgment in favor of such corporation. Executions shall issue upon such judgment as in other cases, but such execution may be first levied upon and collected from any personal property of the defendant; or the Court in which such proceedings were had, may, upon complaint of the city, issue a *scire facias* against the person or persons liable for such payment, to show cause why execution should not issue against him or them for the amount of such assessment; and if upon return of such *scire facias* good cause is not shown why execution should not issue, the Court may award execution, against such person or persons, in the usual form of execution upon judgment at law.

SEC. 30. Whenever any city shall apply to any Court for the purpose of making just compensation for property taken or damaged by such proceedings as are authorized by this Act, and the laws of the Territory, such city may file in the same proceeding a supplemental petition praying the Court to cause an assessment to be made for the purpose of raising the amount necessary to pay the compensation and damages which may be, or shall have been awarded to the property taken or damaged, with the costs of the proceeding. The said Court shall have

the power at any time after such supplemental petition shall have been filed, to appoint three [3] commissioners to make such assessment and to ascertain, as near as may be, the costs incurred to the time of such appointment and the probable further cost of the proceeding, including therein the estimated costs of making and collecting such assessments and shall direct such costs to be included by such commissioners in making such assessment. Like proceedings in making said assessment shall be had and the assessment shall be made, collected and enforced in the same manner, as near as may be, as is provided for in this Act in other cases.

SEC. 31. Any city may levy a tax for general municipal purposes not to exceed for any one year seventy [70] cents on each one hundred dollars of taxable property in such city, provided, that nothing in this Act contained shall limit the powers now given to any incorporated city by its charter.

SEC. 32. This Act shall take effect and be in force from and after its passage.

FRED G. HUGHES,
President of the Council.

D. G. CHALMERS,
Speaker of the House.

Approved March eighteenth, 1897.

B. J. FRANKLIN,
Governor.

No. 58. AN ACT

To Amend Sections 1, 2, 3 and 4, of Act No. 84, of the Seventeenth Legislative Assembly of the Territory of Arizona, entitled, "An Act Repealing Chapter VII, Title LVI, of the Revised Statutes of the Territory of Arizona of 1887, entitled 'Collection of Delinquent Taxes,' and all Acts and Parts of Acts amendatory thereof and Supplemental thereto, and Substituting this Act to take the place of the same" Approved April 13th, 1893.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That Section 1 of an Act entitled "An Act repealing Chapter VII, Title LVI of the Revised Statutes of the Territory of Arizona of 1887, entitled 'Collection of delinquent taxes,' and all Acts and parts of Acts amendatory thereof and supplemental thereto, and substituting this Act to take the place of the same," approved April 13th, 1893, be amended so as to read as follows:

On or before the first Monday in March of each year, the Tax Collector in each of the counties must publish a notice that he will sell the property comprised in the delinquent list, except such property, the taxes on which have been paid, which delinquent list must contain the names of the persons and a description of the property delinquent, and the amount of taxes and costs due opposite each name and description, with the taxes due on personal property added to taxes on real estate, where the real estate is liable therefor, or the several taxes are due from the same person; said publication to be made in a newspaper designated by the Board of Supervisors, and the compensation therefor to be fixed by said Board of Supervisors, and paid by the county; provided, however, that said compensation shall not exceed the sum of fifty dollars for any one year.

SEC. 2. That Section 2 of said Act be amended so as to read as follows:

The Tax Collector must publish said notice, without publishing the delinquent list, and said notice must state that unless the taxes delinquent, together with the costs and percentage are paid, the real property upon which said taxes are a lien will be sold at public auction as required by law.

SEC. 3. That Section 3 of said Act be amended so as to read as follows:

The publication must be made once a week for three successive weeks in some newspaper or supplement thereto published in the county, designating the time and place of such sale. If there is no newspaper published in the county, or if for any reason such publication is not made in a newspaper, then by posting a copy of said notice in three public places in each precinct or township in the county. The publication must be contracted for with the lowest bidder, after ten days notice that the same will be let. The bidding must be by sealed proposals. Any failure to publish or post notice as hereinbefore provided shall in no way affect the validity of the assessment and levy of taxes, nor of the sale by which the collection of the same may be enforced, nor in any manner effect the lien of the Territory on such delinquent real property for the taxes unpaid thereon.

SEC. 4. That Section 4 of said Act be amended so as to read as follows:

The time of sale must not be less than twenty-one nor more than twenty eight days from the first publication of the said notice, and the place of sale must be in front of the County Court House.

SEC. 5. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall take effect and be in force from and after its passage.

FRED G. HUGHES,
President of the Council.

D. G. CHALMERS,
Speaker of the House.

Approved March eighteenth, 1897.

B. J. FRANKLIN,
Governor.

No. 59.

A BILL

Relating to Optional Sales of Mining Property when belonging to Estates.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. Whenever an estate of a decedent, infant, insane or incompetent person, shall consist in whole or in part of mining property, and it shall be to the interest of the estate to give an optional bond, for the sale of such mining property, or any part thereof, the executor, administrator or guardian of such estate, or any person interested in the title to the property, may file in the Probate Court of the county in which the real estate is situate, a petition, stating the name, age and place of residence of such infant, insane or incompetent person, or such decedent, at the time of his or her death; the extent and character of such property rights; a definite description of the property, which may be by reference to the book and page of the record of the location notice in the office of the County Recorder, and the estimated value of such property rights. Such petition shall set forth the consideration, terms, conditions, covenants, reservations, forfeitures, or penalties of the proposed optional sale.

SEC. 2. Upon the presentation of such petition, the probate judge must make an order directing all persons interested to appear before him at a time and place specified, not less than two nor more than four weeks from the time of making such order, to show cause why an order should not be granted to the executor, administrator, or guardian of the estate to sell such mines, or mining interests, as are set forth in the petition and belonging to the estate. A copy of the order to show cause must be personally served on all persons interested in the estate, at least ten days before the time appointed for hearing

the petition, or published at least two successive weeks in such newspaper published in the county in which the property is situated, as the court shall specify. If all persons interested in the estate signify in writing their assent to such sale, the notice may be dispensed with.

SEC. 3. If upon hearing the petition, it appears to the satisfaction of the court, that it is to the interest of the estate that such property should be bonded by an optional contract of sale, the court may make an order directing the executor, administrator or guardian of the estate, to enter into and execute an optional bond for the sale of the property to be described in said order, which order shall set forth such consideration, terms, conditions, reservations, forfeitures or penalties of the bond as shall in the judgment of the court be most beneficial to the estate.

SEC. 4. If the executor, administrator or guardian shall fail or neglect to enter into, or execute the bond for a sale, as directed by the court, within five days after the rendition of such order, a copy of the order certified to under the hand of the clerk and the seal of the court shall have the same force and effect as if the said bond for a sale had been entered into and executed as directed by such order.

SEC. 5. Additional bonds may at the time of the rendition of such order or upon five days notice at any time thereafter, be ordered to be given by the executor, administrator or guardian of the estate, conditioned as required by law in cases of sales of real estate by such executor, administrator or guardian.

SEC. 6. Whenever the obligee of any such optional bond shall have fully complied with all the conditions precedent on his part therein to be performed, he, or any person interested in such estate, may make application to the court for a deed to such property. Said application shall contain a copy of the order mentioned in Section 3 of this Act, and shall set forth facts showing that the obligee has fully complied with all the conditions of such bond, or order, on his part to be performed and that he is entitled to a deed for such property. On the filing of such application, the clerk of the court shall set such application down for hearing at a time not less than ten, nor more than thirty days, from the date. Notice of such hearing shall be posted in three of the most public places in said county for at least ten days prior to such hearing.

SEC. 7. If on the hearing of such application it shall appear that said obligee has fully complied with all the terms and conditions of such bond, or order, on his part to be performed, and that he has paid the full purchase price of said property, the

court shall order the executor, administrator, or guardian of the estate to execute to the obligee or his assignee, a conveyance of the mining property described in the order directing such bond to be given. Such deed shall be *prima facie* evidence of the regularity of all the proceedings on which such deed is found.

SEC. 8. This Act shall take effect and be in force from and after its passage.

FRED G. HUGHES,
President of the Council.

D. G. CHALMERS,
Speaker of the House.

Approved March eighteenth 1897.

B. J. FRANKLIN,
Governor.

No. 60.

AN ACT

Providing for the Election of a County School Superintendent in Counties of the First Class and Providing the Probate Judges therein with an Assistant Clerk of the Probate Court.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That in counties of the first class on and after the first day of January, 1899, the offices of Probate Judge and County School Superintendent shall be segregated.

SEC. 2. At the regular election held in the year 1898, and every two years thereafter, there shall be elected, in counties of the first class, a County School Superintendent, whose qualifications shall be that he be a citizen of the United States and a resident of the Territory of Arizona for at least two years prior to his election. He shall hold office for two years from the first day of January following the date of his election, and his duties shall be those already prescribed by law for County School Superintendent; and in addition thereto he shall visit each and every school in his county at least twice a year; he shall advise and consult with teachers and School Trustees as to the better methods of conducting the schools, and he shall receive an annual salary of one thousand dollars (\$1,000.00), payable quarterly out of the county school fund in the same manner as other salaries of county officers are paid.

SEC. 3. That from and after the passage of this Act until the first day of January, 1899, the Probate Judge in counties of the first class may, when necessary, employ a clerk or assistant to assist in transacting clerical duties of the offices of the

Probate Judge and Clerk of the Probate Court; subject, however, to the approval of the Board of Supervisors as to the necessity of such a clerk or assistant; and the said clerk or assistant shall receive for such service a salary not exceeding the sum of seventy-five dollars (\$75.00) per month, payable monthly, which service shall be certified to by the Probate Judge and paid upon the order of the Board of Supervisors from the funds of their respective counties.

SEC. 4. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 5. This Act shall take effect and be in force from and after its passage.

FRED. G. HUGHES,
President.

D. G. CHALMERS,
Speaker.

Approved March eighteenth, 1897.

B. J. FRANKLIN,
Governor.

No. 61.

AN ACT

To Regulate the Maintenance of Houses of Prostitution in Mining Camps and Mining Communities.

Be it Enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. It shall be unlawful for any person to keep or maintain any house of prostitution upon or adjoining any street, road or highway which is required or used by the public as one of the principal means of entrance to, or exit from, a mining camp or mining community, or which is required or used by the public as the main or principal road, street or highway of a mining camp or mining community.

SEC. 2. Any portion of this Territory outside of the corporate limits of a city, where mining is carried on, shall, for the purposes of this Act, be deemed a mining camp or mining community.

SEC. 3. No license for the sale of intoxicating liquors or beverages shall be granted or issued to any person engaged in keeping any public house, hotel, inn, saloon or tavern upon or adjoining any such road, street or highway as is mentioned in the first section of this Act, where prostitution is knowingly permitted.

SEC. 4. Any person who shall violate any of the provis-

ions of this Act, shall be guilty of a misdemeanor, and upon a conviction of such violation, shall be punished by a fine of one hundred (\$100.00) dollars, or by imprisonment in the county jail for six months, or by both such fine and imprisonment.

SEC. 5. This Act shall take effect and be in force from and after its passage.

FRED G. HUGHES,
President of the Council.

D. G. CHALMERS,
Speaker of the House.

Approved, March eighteenth, 1897.

B. J. FRANKLIN,
Governor.

No. 62.

AN ACT

To Amend Sub-division 2 and 3 of Paragraph 1643 of the Penal Code of the Revised Statutes of Arizona.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That Sub-division 2 of Paragraph 1643 of the Penal Code of the Revised Statutes of Arizona, be amended so as to read as follows:

2: The District Attorney, or other counsel for the people, must first, with or without a statement, offer the evidence in support of the charge.

SEC. 2. That Sub-division 3 of Paragraph 1643 of the Penal Code of the Revised Statutes of Arizona is amended so as to read as follows:

3: The defendant or his counsel may then, with or without a statement, offer his evidence in support of his defense.

SEC. 3. The statements referred to in Sections 1 and 2 of this Act shall be confined to a concise and brief statement of the facts which the parties purpose to establish by evidence on the trial.

SEC. 4. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 5. This Act shall take effect and be in force from and after its passage.

FRED G. HUGHES,
President.

D. G. CHALMERS,
Speaker.

Approved March eighteenth, 1897.

B. J. FRANKLIN,
Governor.

No. 63.

AN ACT

To Amend Paragraph 761, Revised Statutes
of Arizona.

*Be it enacted by the Legislative Assembly of the Territory of
Arizona:*

SECTION 1. Sub-division 1 of Paragraph 761, of the Revised Statutes of Arizona is hereby amended so as to read as follows:

The plaintiff or his counsel shall read his complaint to the jury and make a statement of his case before introducing his evidence.

SEC. 2. Subdivision 2 of Paragraph 761 of the Revised States of Arizona is hereby amended so as to read as follows:

The defendant or his counsel shall read his answer and then make a statement of his case to the jury, or he may, at his election, defer making such statement until after the close of the testimony on behalf of the plaintiff.

SEC. 3. The statements referred to in Sections 1 and 2 of this Act shall be confined to a concise and brief statement of the facts which the parties propose to establish by evidence on the trial.

SEC. 4. Nothing herein shall be deemed obligatory on either plaintiff or defendant to make the statements herein provided for but either party may decline to make such statement.

SEC. 5. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall take effect and be in force from and after its passage.

FRED. G. HUGHES,
President.

D. G. CHALMERS,
Speaker.

Approved March eighteenth, 1897.

B. J. FRANKLIN,
Governor.

No. 64.

AN ACT

Entitled an Act to establish Depositorys for Territorial and
County Funds.

*Be it Enacted by the Legislative Assembly of the Territory of
Arizona:*

SECTION 1. That any bank in this Territory duly incor-

porated under the laws thereof, or under the laws of the United States, and having a paid up capital of not less than twenty-five thousand dollars, shall have the right to become a depository of Territorial or County moneys to an amount not exceeding forty per cent of its paid up capital stock upon complying with the provisions of this Section; Provided, that no bank shall be the depository of such moneys to an amount exceeding twenty per cent of its paid up capital stock so long as there shall not be a sufficient amount of public moneys to be deposited to supply all the banks applying therefor and complying with the provisions of this Section an equal pro rata share of such moneys as herein provided: And provided further, that such moneys shall be equitably divided among the banks applying therefor in proportion to the paid up capital stock of the several banks which shall have complied with the provisions of this Section.

Any such incorporated bank desiring to take the benefit of the provisions of this Section shall make, execute and deliver a bond to the Territory of Arizona in case of Territorial moneys and to the county in case of County moneys, in a penalty which shall be not less than double the amount which the said bank may be entitled to receive on deposit under the provisions of this Section, conditioned that such bank will promptly pay out to the parties entitled thereto all public moneys in its hands upon lawful demand therefor, and will whenever thereunto required by law pay over to the Territorial Treasurer such moneys in case of Territorial moneys, and to county treasurers in case of county moneys.

The sureties upon such bond shall be bona fide residents of the Territory of Arizona, and shall be owners of unencumbered real estate within the Territory in value equal to at least three times the penalty of such bond, and no one person shall be or become surety upon more than one such bond at any one time.

The bond required by this Section shall be approved by the Governor, the Treasurer and Auditor of this Territory, in the case of Territorial moneys, and in case of county moneys by the Board of Supervisors of the county letting such moneys, who shall at the time of approving the same certify in writing thereon that they have made diligent personal investigation as to the sufficiency of the sureties thereon and are satisfied that such bond is amply sufficient to protect the interests of the Territory in case of Territorial moneys, and of the County in case of county moneys, beyond a reasonable doubt.

Upon the approval of the Governor, Treasurer and Auditor in case of Territorial moneys and the Board of Supervisors in case of County moneys of any such bond, it shall be their duty

forthwith to deposit the same with the Territorial Treasurer in case of Territorial moneys and the County Treasurer in case of County moneys, who shall be the custodian thereof.

It shall be the duty of the Territorial Treasurer upon the receipt of any such bond from the Governor, in case of Territorial moneys and the Board of Supervisors in case of County moneys, forthwith to deposit with the bank executing the same its share of the public moneys in accordance with the provisions of this Section, and in paying out public moneys to have due regard for the rights of the several banks complying with the provisions of this Section so that no advantage or favoritism shall be shown to any bank, but the balances shall be maintained as nearly as practicable in accordance with the spirit of this Section.

Any bank desiring to do so may, in lieu of the bond with security provided by this Section, deposit with the Territorial Treasurer in case of Territorial moneys and the County Treasurer in case of County moneys, interest bearing bond of the United States or of this Territory or any County of the Territory, at par as security for public moneys, and upon receipt of such interest bearing bonds at par as security for such deposit by the Treasurer he shall proceed to deposit with the bank depositing such bonds its pro rata share of public moneys in the same manner as if such bank had executed a bond in accordance with the provisions of this Section and such bond had been duly approved by the Governor of the Territory in case of Territorial moneys or by the Board of Supervisors in case of County moneys, Provided, that in lieu of any bank giving bond as hereinbefore provided in this Section, may give as security for public moneys any surety company doing business in this Territory under the laws thereof governing surety companies, such bond shall be submitted and approved in the same manner as other bonds hereinbefore provided.

Each bank receiving on deposit public moneys under the provisions of this Section shall pay interest thereon at the rate of not less than three per cent per annum, which interest shall be calculated on daily balances and credited monthly.

Every deposit by the Territorial Treasurer or County Treasurer under the provisions of this Section shall be carried upon the books of the depository in such manner as the said Treasurer shall direct and every such depository shall keep its accounts with the Treasurer in such form as shall be prescribed by him.

The Territorial Treasurer shall designate a bank as the Territorial Depository for all Territorial Funds and the County Treasurer of the respective counties each for the county of

which he is treasurer shall designate a bank as the depository for all county funds in such county, unless deposited in some other bank under the provisions of this Act, and the amount deposited in said bank to meet warrants drawn on the Territorial Treasurer, shall not, by the distribution of said funds, be reduced to less than the sum of twelve thousand (\$12,000.00) dollars, and in case of county moneys the County Treasurer shall not, by the distribution of said funds, be reduced to less than five thousand (\$5,000.00) dollars, and such sums over these amounts shall draw not less than three per cent per annum.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

FRED G. HUGHES,
President of the Council.

D. G. CHALMERS,
Speaker of the House.

Approved March eighteenth, 1897.

B. J. FRANKLIN,
Governor.

No. 65.

AN ACT

An Act Amending Chapter XVII of the Revised Statutes of Arizona.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That Chapter XVII of the Revised Statutes of Arizona be and the same is hereby amended so as to read as follows:

After Paragraph 3029 (Sec. 13,) the words "and all Notaries Public shall affix the date of the expiration of their commissions as such Notary on every certificate or acknowledgment before signing and sealing the same."

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after the 1st day of July, A. D. 1897.

FRED G. HUGHES,
President of the Council.

D. G. CHALMERS,
Speaker of the House.

Approved March eighteenth, 1897.

B. J. FRANKLIN,
Governor.

No. 66.

AN ACT

To Amend Paragraph 323 of Chapter 5 Title XII Revised Statutes of Arizona, 1887.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That Paragraph 323, Chapter 5, Title XII of the Revised Statutes of Arizona, 1887, be amended by adding to said Paragraph as follows, towit:

Bicycles are hereby declared to be and are deemed baggage for the purposes of this article, and shall be transported as baggage for passengers by railroad corporations, and subject to the same liabilities, and no such passenger shall be required to crate, cover or otherwise protect any such bicycle; provided, however, that a railroad corporation shall not be required to transport, under the provisions of this Act, more than one bicycle for any one person.

SEC. 2. This Act shall take effect immediately.

FRED. G. HUGHES,
President of the Council.

D. G. CHALMERS,
Speaker of the House.

Approved March eighteenth, 1897.

B. J. FRANKLIN,
Governor.

No. 67.

AN ACT

To Legalize Certain Notarial Work Done by Richard De Kuhn.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

WHEREAS, Richard De Kuhn of Cherry Creek, Yavapai County, Arizona, having performed some Notarial work in relation to the insurance matter of one Mrs. F. A. Cole, he, the said Richard De Kuhn not being aware of the fact that his term of office as Notary Public had expired: Therefore be it enacted that,

SECTION 1. The Notarial acts performed by said Richard De Kuhn as stated in this Act be and the same are legalized to and for all intents and purposes as if his term of office as Notary Public had not expired at and before said acts were so performed.

SEC. 2. This Act shall take effect from and after its passage.

FRED G. HUGHES,
President of the Council.

D. G. CHALMERS,
Speaker of the House.

Approved this 18th day of March, A. D. 1897.

B. J. FRANKLIN,
Governor.

No. 68.

AN ACT

To Encourage Prospecting for Minerals.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. The Regents of the University of Arizona shall charge for assaying ores taken from deposits and mines within the Territory of Arizona no higher rate than fifty cents for each assay producing gold and silver; and one dollar, for assays producing gold, silver and copper; and one dollar and fifty cents for assaying ores showing more than three metals; that, the maximum rate for an assay shall be one dollar and fifty cents, and the minimum rate fifty cents.

SEC. 2. There shall be a uniform fee of one dollar and fifty cents charged by each County Recorder in the Territory of Arizona, for recording each notice of location of a mining claim including certificate of work done to comply with the law regarding locations, the said one dollar and fifty cents to be in full for filing, recording and indexing said notice and certificate, and certifying to the same under seal.

SEC. 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after its passage and approval.

FRED G. HUGHES,
President.

D. G. CHALMERS,
Speaker.

Approved March eighteenth, 1897.

B. J. FRANKLIN,
Governor.

No. 69.

AN ACT

Providing for Leasing the School and University Lands
of the Territory of Arizona.

*Be it enacted by the Legislative Assembly of the Territory of
Arizona:*

SECTION 1. The Boards of Supervisors of the different counties of this Territory are hereby empowered to take control of all University and School lands donated to this Territory for the said purposes, and they are hereby authorized to lease the same in accordance with the provisions of this Act.

SEC. 2. A full record of all proceedings of the Boards of Supervisors in regard to said School and University Lands shall be kept, and they shall preserve all papers and documents submitted to them, and file the same in their office.

SEC. 3. The Supervisors shall cause suitable abstracts to be made of all School and University Lands that can be leased in their respective counties, and entered in suitable and well bound books; such abstracts shall show in proper columns and pages, the township and range together with the legal subdivisions, whether timbered or not, improved or unimproved; the kind and nature of the improvements, if any; the character, agricultural or grazing; occupied or unoccupied, and if occupied, by whom; the date of appraisement of improvements, if any; the date and durance of lease, the amount paid, and such other information as may be necessary.

SEC. 4. Actual and bona fide settlers or occupants who have placed improvements on School or University Lands, shall have the preferred right to lease the land whereon such settlement has been made. And, provided, further, that where settlers have resided upon, occupied or cultivated any land reserved for this Territory for School or University purposes, prior to the extension of the surveys of the United States over said lands, or who hold the same, or the possession thereof by purchase from the original settlers or their assigns, said original settlers, having resided on said lands or cultivated them prior to the survey of the United States, they shall be permitted to continue to hold said land without lease, until such time as this Territory is admitted as a State into the Union, and the title to said land can be properly adjudicated, and the State get other lands for such holdings.

SEC. 5. Improvements within the meaning of this Act shall be held to mean anything permanent in character, the result of labor or capital expended on such land in its reclamation or development, and the appropriation of water thereon, which has enhanced the value of the same beyond what said land

would be worth had it been permitted to remain in its original state.

SEC. 6. Any one occupying School or University Lands refusing or not wishing to lease said land and other parties making application so to do, the Board of Supervisors shall appoint three disinterested persons, householders and citizens of the Territory, living adjacent to said land and engaged in agricultural pursuits if said land is agricultural in character, and engaged in stock raising if the lands should be grazing, to go upon said lands and appraise the value of the improvements, and appurtenances thereon, as set forth in Section 5 of this Act, and make due return of said appraisement to the Supervisors, under oath, and they shall file the same, and the party wishing to lease shall pay to the Board of Supervisors the amount of such appraisement and the per diem of the appraisers before the Board of Supervisors shall execute a lease to him of said lands. The money so paid for such improvements the Supervisors shall pay to the occupant of the land when he shall vacate said land and give possession to the lessee. Any one refusing to give possession to the same after due notice by the Board of Supervisors is hereby declared to be a trespasser and shall be proceeded against by the District Attorney for forcible entry and detainer.

SEC. 7. The appraisers shall be entitled to one dollars each per day, and only allowed for one day for making any appraisements of the improvements and sending to the Supervisors said returns.

SEC. 8. The Supervisors shall have power to reject any appraisement not in accordance with this Act, and if it should be rejected for cause, the appraisers shall not be entitled to any pay. If two or more parties should make application to lease the same land, the Board of Supervisors shall lease to the one paying the highest premium for the privilege thereof; provided, however, that any occupant shall have preferment at the price bid.

SEC. 9. Each lease shall contain a covenant that the lessee will promptly pay the rental in advance annually; that no waste shall be committed on the land, and that the premises shall be surrendered at the expiration of the term of the lease, and that a failure to pay the agreed rental for a period of one month from the time that such rental is due, will work a forfeiture of said lease. Any lessee or any assignee of any lessee who is in default for the non-payment of rental due the Territory for a period of one month after said rental is due, shall be notified by the Supervisors by registered letter of such default and if in one month after service of such notice such delinquent or assign has not paid said rental so delinquent, and

has procured no extension of time as provided in this Act, his lease shall be forfeited, and such forfeiture shall be noted on the records of the Supervisors.

Any person whose lease has been forfeited may, however, be relieved from such forfeiture at any time before the land has been again leased, by paying all arrears of rental and five per cent. penalty thereon and such money shall be paid into the School Fund.

SEC. 10. The lessee of any School or University Lands shall not be allowed to cut for barter or sale, or use more timber therefrom than is necessary for the improvement of such land, or for fuel for family use, excepting it was planted thereon by the party leasing, or by his predecessor. Any person or persons, firm or corporation violating the provisions of this Section shall be deemed guilty of a misdemeanor, and fined not less than one hundred (\$100.00) dollars, and not more than three hundred (\$300.00) dollars for each and every offence.

SEC. 11. The Board of Supervisors shall collect from each lessee the sum of one (\$1.00) dollar for executing said lease, said money to be paid into and become a part of the funds received from leasing School and University Lands.

SEC. 12. For making certified copies of papers and records, the same fees shall be collected and charged as are charged by the Secretary of the Territory; and all such moneys shall be disposed of as is provided in Section 11 of this Act.

SEC. 13. It shall be the duty of the different County Assessors to make returns of all School and University Lands, worth assessing, in the several counties, and to place a value on said lands as patented lands adjoining of like character, and as though they were assessing them to owners, and also to state if said lands are occupied, and if so, by whom; also, amount and kind of improvements, together with the legal subdivisions, township and range. And said Assessors shall make return of such assessments to the Boards of Supervisors at the same time and in the same manner, that returns are made of other lands. There shall be stated in such return the assessed value of all legal subdivisions of such lands. The Supervisors shall, upon receipt of said return, proceed to lease said land to any citizen of this Territory, or any one who has declared his intention to become such, but not more than one section to any one man, or corporation, or company, upon the payment to the Board of Supervisors of not more than two and one-half ($2\frac{1}{2}\%$) per cent. of the amount of such valuation, which shall be the rental value of said land each year. Any one paying such amount annually, shall be entitled to a lease of such land for a term not exceeding five years, or until the admission of the Territory into the Union as a state.

SEC. 14. The Supervisors shall have power to revise and correct any assessment when found necessary.

SEC. 15. Any one wishing to lease any School or University Land shall make application to the Supervisors, in writing, on blanks to be furnished by the Board of Supervisors, giving a description of the land, where located, section, township, range and county, and stating if occupied, if so, by whom; and the Supervisors upon receipt of said application, shall notify, if said land is not occupied, the party wishing to lease the leasing value of said land. If said lands are occupied, the Supervisors shall notify the occupant of said land that he must, to keep possession of said land, pay said leasing value and take a lease of said land, or that the Supervisors will proceed to appoint appraisers to appraise said improvement. At any time prior to the payment of the appraisement value of the improvements and cost of appraisement to the Supervisors by the party wishing to lease, the party occupying said land can hold possession by taking a lease and paying the dues of the appraisers.

SEC. 16. Any one occupying School Land and cultivating or grazing the same and refusing to lease or pay any rent, said rent will become a lien upon any crops or personal property he or they may own, and the same may be collected as personal property taxes are collected by the County Assessors.

SEC. 17. The Territorial Superintendent of Public Instruction is hereby required to prepare or cause to be prepared and have printed the books and blanks, in proper form, and necessary number as in his judgment are required under the provisions of this Act to supply the needs of the various counties.

The Territorial Auditor is hereby authorized to draw his warrant for said Superintendent out of any money that is in the Territorial Treasury out of said School Fund, and he shall furnish said blanks and books to the Boards of Supervisors, in such number and quantities as in his judgment they will require, or upon a requisition signed by the Clerk of the Board of Supervisors of any county. He shall report to the Territorial Treasurer annually, on or before the first day of January, showing the cost of books and blanks, the number furnished to each county, the total number printed and such other information as he may deem necessary.

SEC. 18. The Supervisors shall at the end of each month pay into the Territorial Treasury all moneys collected, and must state in their report to the Treasurer, the amount of funds received from School Lands, and the amount from University Lands.

SEC. 19. The Supervisors shall on or before the first day of December in each year, make an extended report to the Territorial Treasurer showing the amount of land leased in their respective counties, the value of lands, to what fund they belong, and the total amount leased in each county, and the expense, if any, and the amount of money turned into the School and University Funds. Said report shall contain such other information as they may consider necessary.

SEC. 20. The Territorial Treasurer shall on or before the first day of January of every year, report to the Territorial Auditor the total amount of School and University Lands leased, the number of acres of each and their value, and the amount of money turned into each fund.

SEC. 21. Any one making permanent improvements on School or University Lands after leasing the same, shall have them appraised and be allowed compensation therefor at the expiration of lease, or any one having to surrender leased lands before expiration of lease shall be entitled to all the benefits of this Section.

SEC. 22. This Act shall take effect and be in force from and after its passage.

FRED G. HUGHES,
President of the Council.

D. G. CHALMERS,
Speaker of the House.

Approved March eighteenth, 1897.

B. J. FRANKLIN,
Governor.

No. 70.

AN ACT

To Amend Paragraph 1530 (Sec. 58) Subdivision 19 of Chapter 7, Title XX. of the revised Statutes of Arizona.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That Subdivision 19. of Paragraph 1530. [Sec. 58] of Chapter 7. Title XX. Revised Statutes of Arizona, relating to education, in line five thereof, after the word "District." be amended by adding thereto the following words: Or upon a petition of one-third of the qualified school electors of their district.

SEC. 2. This Act shall take effect and be in force from and after its passage.

FRED G. HUGHES,
President.

D. G. CHALMERS,
Speaker.

Approved March eighteenth, 1897.

B. J. FRANKLIN,
Governor.

No. 71.

AN ACT

Relating to Appeals and Writs of Error from the District and Circuit Courts of the Territory of Arizona to the Supreme Court.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. Whenever an appeal or writ of error is taken from any District or Circuit Court of this Territory to the Supreme Court of the Territory the appellant or plaintiff in error, as the case may be, may have the testimony taken in the case transcribed and certified by the Court Reporter, and file the same with the papers in the case, and thereupon it shall become and be a part of the record in said cause.

SEC. 2. The Clerk of the District or Circuit Court, as the case may be, when an appeal or writ of error is taken from said Court to the Supreme Court of the Territory, shall certify and transmit the entire record, including the original papers on file in his Court, and all minutes orders in the case, to the Supreme Court of the Territory, and it shall not be necessary for the plaintiff in error or appellant to file with the Supreme Court any transcript, assignment of errors or other papers except as herein provided.

SEC. 3. The plaintiff in error or appellant, as the case may be, shall make and print or typewrite an abstract of the record so certified by the Clerk of the District or Circuit Court which shall consist of a succinct statement of the record of the Court below and shall be numbered throughout by folios on the outer margin of the page. Six copies of the printed or typewritten abstract of the case shall be filed in the Supreme Court on or before the first day of the term at which the appeal or writ of error is returnable and at least two copies served on the opposite party.

SEC. 4. Each party shall prepare and print or typewrite an

argument of the points and authorities relied on. The briefs of both sides shall begin with a succinct statement of so much of the record as is essential to the questions discussed in them referring to the printed abstract by folios and sufficient to dispense with the reading of the printed abstract on the argument. The brief of the plaintiff in error or appellant shall also next contain a distinct enumeration in the form of propositions of the several errors relied on, and all errors not assigned in the printed brief shall be deemed to have been waived. It shall not be necessary to assign or file any assignment of errors in the Court below or Supreme Court, except those assigned in the brief of the plaintiff in error or appellant.

SEC. 5. All rulings made by the Court below in opposition to the plaintiff in error or appellant shall be taken as excepted to by the party appealing or suing out the writ of error, and when assigned as error in the brief shall be reviewed by the Supreme Court without any bill of exception or other assignment of errors except as herein provided.

SEC. 6. Abstracts or record and briefs shall be neatly and legibly printed with black ink or typewritten on white writing paper, properly paged at the top, with a margin on the outer edge of the page of an inch and a half. The printed page shall be seven inches long, and three and a half inches wide, and the paper shall not be more than nine inches long or seven inches wide. Each abstract of record and brief shall be signed by counsel preparing it; and shall be stitched together in a paper or cloth cover, with the proper designation and the title of the cause printed or typewritten on the outside.

SEC. 7. The Clerk of the Supreme Court shall retain all appeal papers until fifteen days after the decision or other final disposition of the appeal in the Supreme Court, and every motion for a re-hearing shall be filed within said fifteen days after such decision. If no motion for a re-hearing be then made, the Clerk of the Supreme Court shall remit the appeal papers to the Court below with a copy of the decision rendered in said cause if any has been then made and filed. If no opinion has been made and filed he shall remit the appeal papers without such decision, and as soon thereafter as the decision is made and filed in the Supreme Court he shall forthwith thereafter remit a copy of the same to the Court below. If a motion for a re-hearing be filed within the time above mentioned, the Clerk shall retain the appeal papers until the disposition of such motions.

SEC. 8. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 9. This Act shall take effect and be in force from and after its passage.

FRED G. HUGHES,
President.

D. G. CHALMERS,
Speaker.

Approved March eighteenth, 1897.

B. J. FRANKLIN,
Governor.

No. 72.

AN ACT

Providing for the Binding and Relettering of the Newspapers of the Territory on file in the Territorial Library.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. The sum of three hundred dollars (\$300.00), or so much thereof as may be necessary, is hereby appropriated, payable out of the General Fund of the Territory of Arizona, for the binding and relettering of the newspapers of the Territory on file in the Territorial Library. The newspapers above named shall be bound in cloth sides and leather backs, in the Territory, under the direction of the Secretary of the Territory.

SEC. 2. Within one week after the passage of this Act the Secretary of the Territory shall advertise for bids for doing the work provided for in Section 1 of this Act, and contract for the doing of the same with the lowest responsible bidder, and the newspapers shall be bound and relettered and delivered to the Secretary of the Territory in sixty days after the signing of the contract.

SEC. 3. The Secretary of the Territory shall receive from the binders the work authorized by this Act, and shall certify to the Territorial Auditor that the contractors have completed their contract, and the Auditor shall thereupon draw his warrant upon the General Fund of the Territory for the payment of the amount due, according to the terms of the agreement.

SEC. 4. This Act shall take effect and be in force from and after its passage.

FRED G. HUGHES,
President.

D. G. CHALMERS,
Speaker.

Approved March eighteenth, 1897.

B. J. FRANKLIN,
Governor.

No. 73.

AN ACT

To provide for the Payment to Certain Newspapers for Publishing the Proceedings of the Nineteenth Legislature.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. To pay the following named newspapers for printing the Legislative Proceedings, the sum or sums herein-after mentioned:

The Arizona Republican six hundred dollars (\$600.00).

The Arizona Gazette six hundred dollars (\$600.00).

The Phoenix Herald six hundred dollars (\$600.00).

SEC. 2. The Territorial Auditor of Arizona is authorized and directed to immediately draw his warrant upon the Territorial Treasurer for the payment of the sums herein mentioned and set forth, and the Territorial Treasurer is hereby authorized and directed to pay out of the General Fund, in preference to all other warrants, any warrant so drawn and presented to him.

SEC. 3. That, the sum of ninety-six hundred (\$9,600.00) dollars is hereby appropriated from the General Fund of the Territory to pay traveling and other expenses of the District Judges of this Territory in holding Courts in the several counties, to be paid as follows, viz :

Twelve hundred (\$1,200.00) dollars shall be paid to each of the present District Judges for such expenses for the years 1895 and 1896, and for the years 1897 and 1898 a like amount shall be paid each of the Judges of District Courts for said expenses. And such payments shall be made quarterly upon the affidavit of each Judge that no case remains undecided by them, respectively which was submitted ninety days prior to the making of such affidavit; provided, however, that in case any of the said Judges have received pay from the Territory for the years 1895 and 1896 such amount received by them shall be deducted from the amounts hereby respectively appropriated for each of said Judges.

SEC. 4. This Act shall take effect and be in force from and after its passage.

FRED G. HUGHES,
President of the Council.

D. G. CHALMERS,
Speaker of the House.

Approved March eighteenth, 1897.

B. J. FRANKLIN,
Governor.

No. 74.

AN ACT

Making Appropriations for the Current and Contingent Expenses of the Civil Government of the Territory of Arizona for the Two Years Ending on the Thirty-first day of December, A. D. 1898, and for other Purposes.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That the following sums be and are hereby appropriated for the several objects and purposes herein named, and the Territorial Auditor is hereby authorized and required to draw his warrants for the said sums of money hereinafter mentioned and set forth, to-wit:

1. To pay the salary of the Attorney General, two thousand dollars (\$2,000.00), one thousand dollars (\$1,000.00) to be paid during each of the years 1897 and 1898. He shall be allowed four hundred dollars (\$400.00) extra for printing briefs and transcripts, and for stationery, mileage, and other expenses, upon his verified itemized account.

2. To pay the salary of the Territorial Auditor, three thousand six hundred dollars (\$3,600.00), one thousand eight hundred dollars (\$1,800.00), to be paid during each of the years 1897 and 1898.

3. To pay the salary of the Citizen Member of the Board of Control, three thousand six hundred dollars (\$3,600.00), one thousand eight hundred dollars [\$1,800.00] to be paid during each of the years 1897 and 1898.

4. To pay the salary of the Private Secretary to the Governor, twelve hundred dollars [\$1,200.00], six hundred dollars [\$600.00] to be paid during each of the years 1897 and 1898 upon the certificate of the Governor of the Territory.

5. To pay the salary of the Superintendent of Public Instruction, two thousand four hundred dollars [\$2,400.00], one thousand two hundred dollars [\$1,200.00] to be paid during each of the years 1897 and 1898.

6. To pay the salary of the Territorial Librarian twelve hundred dollars [\$1,200.00], six hundred dollars [\$600.00] to be paid during each of the years 1897 and 1898, such expenditure to be made upon the order of the Governor of the Territory.

7. To pay the rent of the Territorial Library Rooms, eight hundred dollars [\$800.00], four hundred dollars [\$400.00] to be paid during each of the years 1897 and 1898.

8. To pay the rent of the Governor's Office, eight hundred dollars, [\$800.00], four hundred dollars [\$400.00] to be paid during each of the years 1897 and 1898.

9. To pay the contingent expenses, during the years 1897 and 1898, the sum of five thousand dollars [\$5,000.00], or so much thereof as will be necessary to be expended by the Governor as rewards for the apprehension of criminals, or escaped patients from the Territorial Insane Asylum, and for other expenses incidental thereto, and for the printing of election and other proclamations. The Governor is hereby authorized and empowered to offer rewards in his discretion; provided, that, no reward offered or paid shall exceed five hundred dollars [\$500.00]. He may in his discretion pay for services in arresting or pursuing criminals or escaped patients when in his judgment the public good will be promoted thereby.

10. To pay the subscription to the Territorial newspapers to be kept on file in the Territorial Library, each year, one hundred and fifty dollars [\$150.00], the bills for which, to be audited by the Territorial Auditor and warrants drawn upon the Treasurer of the Territory, to be paid out of the General Fund, for each of the years 1897 and 1898.

11. To purchase a large safe for preservation of records in the Auditor's Office, five hundred dollars [\$500.00], or so much thereof as may be necessary.

12. Three hundred dollars [\$300.00], one hundred and fifty dollars [\$150.00] each, to be paid to the Chief Clerk of the Council, and the Chief Clerk of the House, respectively, for extra services to be performed after the close of the Session of the Nineteenth Legislature in finishing up the work of the two Houses.

13. To pay the salary of the Territorial Treasurer, two thousand dollars [\$2,000.00], one thousand dollars [\$1,000.00] to be paid during each of the years 1897 and 1898.

14. Two hundred and seventy-eight dollars [\$278.00] to be paid to Henry Bueman for nineteen crayon portraits of the Ex-Governors of the Territory and others, now hanging in the Governor's office.

15. One thousand and ninety-four dollars and forty cents [\$1,094.40] for newspapers furnished the Nineteenth Legislature to be paid to the following named papers the respective amounts set opposite their names:

Mesa Free Press, a weekly.....	\$36.00
Arizona Sentinel, a weekly.....	36.00
Border Vidette, a weekly.....	36.00

Globe Silver Belt, a weekly.....	\$36.00
Saturday Evening Press, a weekly.....	36.00
Southwestern Stockman, a weekly.....	36.00
Graham County Guardian, a weekly	36.00
Saint Johns Herald, a weekly.....	36.00
Yavapai County Recorder, a weekly.....	36.00
Graham County Bulletin, a weekly.....	36.00
La Opinion Publica, a weekly.....	36.00
The Arizona Range News, a weekly.....	36.00
Arizona Mining News, a weekly.....	36.00
Florence Tribune, a weekly.....	36.00
The Williams News, a weekly.....	36.00
The Riata, a semi-monthly.....	14.40
Arizona Republican, a daily	72.00
Tucson Citizen, a daily.....	72.00
Tucson Star, a daily.....	72.00
Prescott Courier, a daily	72.00
Prescott Journal Miner, a daily.....	72.00
Phoenix Gazette, a daily.....	72.00
Phoenix Herald, a daily.....	72.00
Tempe Daily News, a daily.....	36.00

16. Two hundred dollars (\$200.00) for the maintenance of the Territorial Museum during the years 1897 and 1898.

17. Five thousand one hundred and twenty-eight dollars (\$5,128.00) to be paid the following named persons, the amount each is to receive being set opposite their names respectively, clerks of the Nineteenth Legislature :

IN THE COUNCIL.

J. A. Moore, Assistant Chief Clerk.....	\$360.00
Sylvia Kennedy, Assistant Enrolling and Engrossing Clerk.....	300.00
Robert Brady, Assistant Enrolling and Engrossing Clerk.....	300.00
C. M. Marshall, Journal Clerk.....	300.00
Lottie Barth, Committee Clerk.....	300.00
Maud Scarbrough, Committee Clerk.....	300.00
Sol B. Drachman, Committee Clerk.....	300.00
W. R. Hillman, President's Clerk.....	300.00

IN THE HOUSE.

S. A. D. Upton, Assistant Chief Clerk.....	360.00
C. N. Stark, Assistant Enrolling and Engrossing Clerk	300.00
Katie Walsh, Assistant Enrolling and Engrossing Clerk	300.00
James W. Lesueur, Committee Clerk.....	300.00
W. B. Kelley, Committee Clerk.....	300.00

Ethel Edmunds, Committee Clerk.....	300.00
J. D. Moore, Journal Clerk.....	300.00
J. M. Burnett, Speaker's Clerk.....	300.00
Robert Leitch, Governor's Messenger, 52 days.	208.00

The Auditor shall draw his warrants upon the General Fund, or any fund found available, and the Treasurer of the Territory shall pay the same in preference to all other warrants.

18. Eight dollars (\$8.00) per month, to be paid the Sunset Telephone Company of Phoenix, for the use of two telephones, one in the Governor's office and one at the Office of the Board of Control, to be paid monthly during the years 1897 and 1898.

19. All sums herein appropriated for clerk hire shall be paid by the Territorial Treasurer out of the General Fund, or of any available fund, in preference to all other warrants heretofore drawn thereon, upon the order of either the President of the Council or Speaker of the House.

20. To pay the insurance on the Territorial Library from August 8, 1896 to August 8, 1899, to be paid by the Secretary of the Territory, or so much thereof as may be necessary, the sum of one hundred dollars (\$100.00).

21. Ninety-seven dollars (\$97.00) to be paid to Bancroft, Whitney & Company, eighty dollars (\$80.00) to be paid Callaghan & Company, and eighteen dollars [\$18.00] to be paid to Edward Thompson Company, for law books purchased of them by Curators for the Territorial Library.

22. One hundred and thirty dollars [\$130.00] to be paid by the Territorial Librarian for a carpet for the Territorial Library.

23. Fifty dollars [\$50.00], to be paid to Herbert Brown for the printing of the rule cards.

24. Thirty-two dollars and forty-five cents [\$32.45], to be paid on account of costs accrued on part of Territory in the case of Seasongood and Mayer, vs. T. E. Farish, Treasurer of the Territory of Arizona.

25. Twenty-six dollars and forty cents [\$26.40] on account of costs accrued on part of Territory in the case of the Territory of Arizona, vs. Jas. A. Fleming, et als, to be paid upon the order of the Territorial Auditor.

26. Sixty-nine dollars [\$69.00] to be paid to the H. H. McNeil Company for printing briefs in the case of Nugent vs. The Arizona Improvement Company.

27. Two hundred and twenty dollars [\$220.00], to be paid to J. F. Meador, for services as expert on books of the Board of Control, February 12, 1897, to March 5, 1897. Three dollars and fifty cents [\$3.50], to be paid to E. Riggs for measuring lumber at the Asylum of the Territory of Arizona.

28. One hundred and twelve dollars and twenty-five cents [\$112.25], to be paid to W. N. Tiffany, twenty dollars [\$20.00] to be paid for services reporting the proceedings of the House, March 3rd and 4th, 1897, and ninety-two dollars and twenty-five cents [\$92.25] for shorthand and typewriting services for the Board of Control Investigating Committee.

29. The sum of one thousand dollars [\$1,000.00] to be paid to the Arizona Gazette for the printing of the reports of the Adjutant General, Superintendent of Public Instruction, Superintendent of the Territorial Insane Asylum, Superintendent of the Normal School, Board of Control, Superintendent of the Territorial Prison, Territorial Auditor, the School of Mines, the Territorial Treasurer and the Board of Regents.

30. That the sum of two thousand five hundred dollars [\$2,500.00], or so much thereof as is necessary to pay for the care and maintenance of the Capitol Grounds, twelve hundred and fifty dollars [\$1250.00], to be paid for each of the years 1897 and 1898.

31. The sum of three hundred and fifty dollars [\$350.00], or so much thereof as is necessary, to pay for the printing of blanks, stationery, books, stamps, and other necessary expenses, to be used by the Territorial Auditor for the years 1897 and 1898.

32. That the office contingencies of the Governor of the Territory, and for which, upon the order of the Governor, the Territorial Auditor shall draw his warrant upon the Territorial Treasurer, the sum of five hundred dollars [\$500.00], or so much thereof as may be necessary, two hundred and fifty dollars [\$250.00] in each year of 1897 and 1898.

SEC. 2. All appropriations made for the payment of salaries by this Act for other purposes shall be paid out of the General Fund of the Territory, except as otherwise provided by law, and shall apply from the first day of January, 1897, to the last day of December, 1898. The Territorial Auditor shall not draw his warrant for any civil expenses other than are specified in this Act, except those expressly authorized by law. Every officer disbursing public moneys under the provisions of this Act shall, on or before the thirty-first day of December in each year, file with the Auditor of the Territory an itemized account, under oath, showing the several amounts paid by him out of

the public moneys in his hands, to whom paid, and for what purpose, and shall also file with said account proper vouchers for each item therein mentioned. The law requiring the Territorial Auditor to publish monthly statements of warrants issued by him is declared to be a useless expense and is hereby repealed.

SEC. 3. The Territorial Auditor shall draw his warrants on the Territorial Treasurer for the salaries provided in this Act, monthly, for the amount due during the preceding month, except when other times of payment of salaries are expressly provided for by law, and for other appropriations made in this Act. No warrant shall be drawn for services rendered or indebtedness accruing during any other fiscal year than those for which appropriations are made by this Act, except as is otherwise appropriated:

SEC. 4. The sum of fifty dollars [\$50.00], to be paid to the Journal Clerk of the Council to pay for extra help in writing up the Council Journal, and that the sum of seventy-five dollars [\$75.00] be paid for extra help on House Journal, twenty-five dollars [\$25.00] each, to W. B. Kelly, C. N. Stark and Ethel Edmunds.

SEC. 5. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 6. This Act shall take effect and be in force from and after its passage.

FRED G. HUGHES,
President.

D. G. CHALMERS,
Speaker.

Approved March eighteenth, 1897.

B. J. FRANKLIN,
Governor.

No. 75.

AN ACT

For the Relief of S. P. Behan.

Whereas, S. P. Behan held the office as Member of the World's Fair Commission from May 18, 1891 to May 27, 1893, and attended to and discharged all duties pertaining to said office, and,

Whereas, the said S. P. Behan has never been paid or received any compensation or any portion thereof for money disbursed, or for his services as said World's Fair Commissioner

between the twenty-third day of April, and the twenty-seventh day of May, 1893, Therefore:

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That the sum of two hundred and three dollars seventy cents (\$203.70) is hereby appropriated for the payment to S. P. Behan for services rendered and disbursements made by said S. P. Behan as World's Fair Commissioner.

SEC. 2. That the Territorial Auditor is hereby authorized and directed to draw his warrant upon the General Fund of the Territory for the said sum of two hundred and three dollars and seventy cents (\$203.70) in favor of said S. P. Behan, and the Territorial Treasurer is hereby authorized and directed to pay said warrant.

SEC. 3. This Act shall take effect and be in force from and after its passage.

FRED G. HUGHES,
President of the Council.

D. G. CHALMERS,
Speaker of the House.

Approved March eighteenth, 1897.

B. J. FRANKLIN,
Governor.

No. 76.

AN ACT

Providing for Certain City Elections.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That, in all cities of the Territory of Arizona in which the total vote cast at the general Territorial election held in 1896 was not more than eight hundred and fifty or less than six hundred votes, there shall be elected on the first Tuesday in January, 1899, and on the first Tuesday of January every two years thereafter, the following officers: One Mayor, four Councilmen, one Chief of Police, one Recorder who shall be ex officio City Auditor and Police Judge, one Assessor who shall be ex-officio Tax and License Collector, and one Treasurer. The term of office of each of such officers, shall be for two years or until his successor is duly elected and qualified excepting that of Councilmen whose term of office shall be for the period of four years, or until his successor is duly elected and qualified.

Of the four Councilmen elected on the first Tuesday in January, 1899, the two receiving the highest number of votes, shall serve for the space of four years, and the two receiving the lowest number of votes shall serve for the space of two years or until their successors are elected at the next ensuing city election on the first Tuesday in January, 1901, when, as well as at each ensuing city election thereafter, there shall be elected two Councilmen to serve for four years each.

SEC. 2. At any city election every tax payer shall be entitled to vote without distinction of sex, but nothing herein shall be considered as abridging the rights of elective franchise possessed by any person.

SEC. 3. No ordinance passed by any such incorporated city shall become effective until it has been published in some newspaper of general circulation, for the period of twenty days. If during such publication, though there be filed with the City Recorder a written protest against the enactment of such ordinance, signed by thirty per cent. of the legal voters of such city, of which signers at least one-half shall be taxpayers of the said city; the Common Council shall within twenty days from the date of filing such protest, order a special election to be held by the voters of the said city, at which the sole issue submitted for decision to the voters, shall be the ratification or rejection of the proposed ordinance. The ballot at such special election, shall state the official title of the proposed ordinance, and the vote shall be "Yes," for the ratification of the said ordinance, or "No" for its rejection. If a majority of the votes is in the affirmative as indicated by "Yes," the ordinance shall go into effect as passed by the Common Council. If a majority of the votes be in the negative as indicated by "No," the ordinance shall be rejected and annulled.

SEC. 4. Nothing in this Act shall be construed as abridging the right of the Mayor and Common Council to remove any officer for malfeasance in office.

SEC. 5. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall take effect and be in force from and after its passage.

FRED. G. HUGHES,
President of the Council.

D. G. CHALMERS,
Speaker of the House.

Approved March eighteenth, 1897.

B. J. FRANKLIN,
Governor.

No. 77.

AN ACT

To Amend Section 14, of Act No. 14, of the Acts of 1891, Entitled "An Act to Create the County of Coconino"

Be it Enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. The Board of Supervisors of Coconino County may provide suitable books and forms, and employ the County Recorder of Yavapai County to transcribe all the records pertaining to real or personal property within the boundaries of Coconino County, or of any value or effect therein; and the said Board of Supervisors of Coconino County may contract and agree with the Recorder of Yavapai County for such compensation for said services as they may deem just and proper; provided, however, that said Board of Supervisors of Coconino County shall, in no event agree on a greater compensation for such services than ten cents (10 c) per folio for transcribing such records; provided, further, that said County Recorder of Yavapai County shall make one comprehensive certificate in and to each book which shall embrace and cover all records transcribed therein as is herein provided, and shall be entitled for each of such certificates to the usual fee only for certificates.

SEC. 2. Should said Recorder of Yavapai County refuse to enter into a contract in accordance with the provisions of this Act, then and in that event the Board of Supervisors of Coconino County shall be empowered to contract for said transcript with any competent person, who shall give bonds to the said Board of Supervisors for the faithful discharge of duty, and to the Recorder of Yavapai County in a sum equal to the bond required of him for the proper protection and care of the records in his custody, and any such person contracting as aforesaid, shall have full and free access to the said records of Yavapai County for the purpose of making such a transcript as is herein contemplated.

SEC. 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after its passage.

FRED. G. HUGHES,
President.

D. G. CHALMERS,
Speaker.

Approved March eighteenth, 1897.

B. J. FRANKLIN,
Governor.

No. 78.

AN ACT

To Limit the Expense of the Loan Commission of the Territory of Arizona.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That the Loan Commission of Arizona shall not exceed in expenses one and one-half per cent ($1\frac{1}{2}\%$) of each loan negotiated by them in behalf of the Territory.

SEC. 2. The members of the Loan Commission shall receive no per diem for their services, and the Secretary of the Loan Commission shall not receive a salary exceeding twenty-five dollars (\$25.00) per month.

SEC. 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after its passage.

FRED. G. HUGHES,
President.

D. G. CHALMERS,
Speaker.

Approved March eighteenth, 1897.

B. J. FRANKLIN,
Governor.

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